

From: **Ex. 6 - Administrator**
Sent: 10/10/2019 12:51:32 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: Fwd: Just read USA Today

Sent from my iPhone

Begin forwarded message:

From: "Schiermeyer, Corry" <schiermeyer.corry@epa.gov>
Date: October 10, 2019 at 7:18:02 AM CDT
To: **Ex. 6 - Administrator**
Cc: "Jackson, Ryan" <jackson.ryan@epa.gov>, "Abboud, Michael" <abboud.michael@epa.gov>
Subject: RE: Just read USA Today

Ex. 5 Deliberative Process (DP)

-----Original Message-----

From: **Ex. 6 - Administrator**
Sent: Thursday, October 10, 2019 7:50 AM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Just read USA Today

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

Message

From: McFaul, Jessica [mcfaul.jessica@epa.gov]
Sent: 8/16/2019 9:00:43 PM
Subject: WEEK OF AUGUST 19 – EPA COMMUNICATIONS

Importance: High

DRAFT-DELIBERATIVE / SUBJECT TO CHANGE

MESSAGE OF THE WEEK: ENVIRONMENTAL ACHIEVEMENTS

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Ex. 5 Deliberative Process (DP)

RELEASES/STATEMENTS/ADVISORY/OPINION

-
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-

Ex. 5 Deliberative Process (DP)

INTERVIEWS

-

Ex. 5 Deliberative Process (DP)

AAW SPEAKING ENGAGEMENTS

-
-
-
-
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Ex. 5 Deliberative Process (DP)

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Ex. 5 Deliberative Process (DP)

*Posts on flagship EPA and Administrator Wheeler accounts (Twitter, Facebook, Instagram, Linked In, You Tube)

Programs and Regions are encouraged to share as applicable to your audiences. (T) = tentative

REGIONAL ANNOUNCEMENTS

Ex. 5 Deliberative Process (DP)

UPCOMING EVENTS OR PROJECTS

Ex. 5 Deliberative Process (DP)

COMMUNICATIONS RESOURCES

- AP Stylebook (public affairs staff writing for media): <https://www.apstylebook.com/epa/>
- EPA Stylebook (i.e. Agency Branding): <https://www.epa.gov/stylebook>

Jessica McFaul
Senior Advisor for Strategic and Regional Communications
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Cell: Ex. 6 Personal Privacy (PP)

8.29.19 OOOOa Clips

ABC News: Trump administration moves to roll back greenhouse gas rules on methane

The Trump administration announced its latest proposal to reverse Obama-era regulations on greenhouse gases on Thursday, the latest proposal targeting restrictions on the release of methane from oil and natural gas operations. The move is the most recent in a series of policies meant to reverse policies put in place under the Obama administration intended to dramatically reduce greenhouse gas emissions to combat climate change.

Associated Press: US proposing easing rules on climate-changing oil emissions

The Environmental Protection Agency on Thursday proposed revoking Obama-era regulations on climate-changing methane leaks from many oil facilities, a move that environmental groups said was meant to renounce the agency's overall legal authority to regulate the gas in the fight against global warming. EPA Administrator Andrew Wheeler said the proposed rule followed President Donald Trump's directions to remove "unnecessary and duplicative regulatory burdens from the oil and gas industry."

Axios: EPA proposes roll back to Obama-era methane regulations

The Environmental Protection Agency proposed new rules Thursday designed to ease Obama-era regulations on methane emissions from the oil-and-gas business. **Why it matters:** Methane is a very potent greenhouse gas. The oil and gas industry is a significant source of emissions from wells plus natural gas pipelines, compressors and other equipment.

Bloomberg Environment: EPA Seeks to Abandon Regulation of Methane Leaks From Oil Wells

The Trump administration is seeking to abandon regulations designed to stop methane leaks from oil and gas wells, a move opposed not just by environmentalists but even some energy companies that worry that it will undermine the appeal of natural gas as climate-friendly fuel. The proposal, unveiled Thursday by the Environmental Protection Agency, is the latest assault in President Donald Trump's campaign to weaken Obama-era measures fighting climate change, building on previous efforts to ease greenhouse gas emission limits on power plants and automobiles.

CBS: Energy industry may get looser oversight from Trump proposal to ease methane rules

Oil and gas companies may face far looser oversight of emissions of potent climate-changing methane gas under a proposal expected from the Trump administration as soon as Thursday, oil industry and environmental groups said. The government's plan would ease requirements on oil and gas sites to monitor for methane leaks and plug them. But not all energy companies are in support of the plan, with Shell U.S. President Gretchen Watkins telling the Washington Post on Thursday that it supports national limits on methane.

CNBC: Trump administration expected to roll back regulation on methane, a major climate change contributor

The Trump administration will announce on Thursday plans to weaken regulation on climate-changing methane emissions, according to multiple reports citing oil industry and environmental groups. The Environmental Protection Agency's proposed rule would lessen restrictions on oil and gas sites to

monitor and repair methane leaks from pipelines and storage facilities, the media outlets said. The rule would be the latest move by the Trump administration to roll back Obama-era emission regulations on major oil and gas industries, which are the main source of methane emissions in the U.S.

CNN: EPA proposes rule easing regulation of methane emissions

The Environmental Protection Agency announced a proposal on Thursday to ease regulation of methane emissions, a particularly potent greenhouse gas believed to contribute significantly to climate change, because it believes the Obama administration improperly regulated it. The proposed rule, expected this week, would no longer require the oil and gas industry to install technologies that monitor and limit leaks from new wells, tanks and pipelines. It's the latest move by the Trump administration that would disregard scientific beliefs of the threat the climate crisis poses to the planet.

Courthouse News Service: EPA Poised to Unravel Methane Rules, Alarming Climate Scientists

Unraveling rules that it had tried for years to put on hold, the Environmental Protection Agency released a proposal Thursday to cut regulations on methane, the second most potent greenhouse gas that accelerates global warming. The proposed rollback will remove federal inspection requirements for methane-well leaks as well as at methane pipelines and storage facilities. It also maintains regulations on methane produced by way of volatile organic compounds, a separate category of gases.

The Daily Caller: Trump Goes After Another Obama-Era Reg As EPA Plans To Ease Rules Affecting Oil Companies

The Environmental Protection Agency announced Thursday a plan to loosen federal rules governing methane emissions, a move that could be a boon for some energy providers and setback for environmentalists, the agency said in a statement. The move will reverse standards set under President Barack Obama that require oil companies to install instruments on their pipelines and well heads that curb the release of methane, an emission researchers believe contributes to global warming. President Donald Trump spent his first two years eliminating scores of his predecessor's environmental legacy.

Financial Times: Trump moves to reverse methane emission limits

The Trump administration has taken another step towards rolling back US environmental regulations by proposing to remove limits on methane leaks for the oil and gas industry, despite protests from some of the world's largest oil companies themselves. Andrew Wheeler, the US Environmental Protection Agency head, on Thursday proposed removing rules that force companies to take strict precautions to avoid methane leaks while drilling for oil and gas.

Fox Business: Trump administration to roll back Obama-era regulations on methane emissions

The Trump administration announced a proposal on Thursday to reverse Obama-era rules on methane emissions, the greenhouse gas that's been linked to climate change, from the oil-and-gas industry — a multi-million dollar boon to the energy companies. Under the plan, widely released Thursday, the Environmental Protection Agency would no longer require the industry to install technologies that monitor, limit and repair methane leaks from pipelines and storage facilities.

Fox News: Trump's EPA to roll back Obama-era regs on methane emissions from oil fields

The Trump administration on Thursday is expected to announce rollback regulations on methane emissions in oil fields — the latest push by the administration to undo Obama-era environmental regulations. The Environmental Protection Agency's plan would ease requirements on oil and gas sites to monitor for methane leaks and plug them, The Associated Press reported, citing industry and environmental groups.

Greenwire: EPA unveils plans to scrap Obama-era methane rules

EPA today unveiled two parallel proposals for how the agency would stop directly regulating methane emissions from the oil and gas industry, potentially slashing controls on greenhouse gases from the sector. EPA would only target volatile organic compounds, or VOCs, from new or modified sources in both plans — a move that would effectively halt any action by the administration to regulate existing oil and gas operations, the largest source of methane emissions from the sector.

The Guardian: Trump administration to roll back Obama-era pollution regulations

The Trump administration is rolling back requirements that oil and gas drillers correct leaks of methane — a potent heat-trapping pollutant contributing to the climate crisis. The Environmental Protection Agency announced the proposal on Thursday, against the wishes of some major oil companies.

The Hill: Trump administration proposes weaker monitoring of major greenhouse gas

A newly proposed Trump administration rule would allow for weaker monitoring of methane, a major greenhouse gas contributing to global warming. The proposed rule rolled out Thursday morning by the Environmental Protection Agency (EPA) would eliminate current requirements on oil and gas companies to install technology to monitor methane emissions from pipelines, wells and facilities.

Houston Chronicle: EPA proposes rollback of methane regulations

The Trump administration will roll back Obama-era regulations limiting emissions of the potent greenhouse gas methane from oil and gas wells, even as many within the industry have set reducing those emissions as a goal in fighting climate change. Under a proposed rule change announced by the Environmental Protection Agency Thursday, oil and gas companies would no longer be required to inspect for methane leaks from existing wells, storage tanks, pipelines and other infrastructure.

Huffington Post: Trump Administration To Undo Limits On Methane, Ignoring Environmental Concerns

President Donald Trump's administration on Thursday reportedly plans to roll back regulation of methane emissions by the oil and gas industry — a major contributor to climate change. The proposed rule change reflects the Trump administration view that the government overstepped its authority with mandates during the Obama administration that oil and gas companies take steps to repair methane leaks, according to The Wall Street Journal, which first reported the rollback.

Los Angeles Times: EPA plans to abandon regulations on methane emissions, reports say

The Trump Administration is expected to announce a proposal to ease methane emission regulations in the oil and gas sector on Thursday, according to reports by the Wall Street Journal and the New York Times. The Environmental Protection Agency will reportedly propose abandoning federal rules that require the oil and gas industry to install technology that monitors and curbs methane leaks in

wells, pipelines and other operational facilities. Some major oil and gas companies have opposed the rollback.

New York Times: E.P.A. to Roll Back Regulations on Methane, a Potent Greenhouse Gas

The Trump administration laid out on Thursday a far-reaching plan to cut back on the regulation of methane emissions, a major contributor to climate change. The Environmental Protection Agency, in its proposed rule, aims to eliminate federal requirements that oil and gas companies install technology to detect and fix methane leaks from wells, pipelines and storage facilities. It will also reopen the question of whether the E.P.A. even has the legal authority to regulate methane as a pollutant.

Newsweek: Trump Administration Rolls Back Greenhouse Gas Regulations So Far Even Oil Companies Object

Just two days after President Donald Trump called himself an "environmentalist," his administration announced a rollback of methane gas emissions regulations so large that even oil companies are objecting to the change. In the proposed rule change, released by the Environmental Protection Agency Thursday morning, the agency would end a federal regulation that requires gas and oil companies to use technology to inspect for and repair methane leaks in their infrastructure. This would leave large segments of the oil and gas industry entirely uncontrolled with no pollution limits. Methane emissions are known to cause climate change.

Politico: Trump administration to seek rollback of methane pollution rule

The Trump administration will seek to roll back rules limiting methane pollution from oil and gas production, gutting a regulation put in place under President Barack Obama that was designed to curb emissions of the powerful greenhouse gas. The move is the latest by the Trump administration to eliminate rules designed to fight climate change despite the rising temperatures that saw July set a record as the hottest month on the books, as Arctic ice melting accelerates and forest fires rage around the globe.

Reuters: Trump EPA proposes easing methane limits at oil and gas operations

The Trump administration on Thursday proposed rescinding Obama-era limits on oil and gas industry emissions of methane, one of the main pollutants scientists link to climate change. The Environmental Protection Agency (EPA) estimated that easing a 2016 regulation that specifically targeted methane emissions from oil and gas wells, pipelines and storage would save energy companies up to \$123 million through 2025. The plan will undergo a period of public comment before being finalized, and environmental groups pledged court action to try to block repeal of the limits.

S&P Global: EPA's proposed rollback of methane regulations to impact marginal oil, gas wells

The Trump administration on Thursday unveiled its proposal to formally rescind federal regulations aimed at limiting methane emissions from oil and gas operations, an effort expected to most impact production from marginal US wells, accounting for roughly one-tenth of domestic oil and gas output. The US Environmental Protection Agency said Thursday the proposal was eliminating "unnecessary regulatory duplication" created by methane rules finalized in 2016 by the Obama-era EPA.

Slate: Trump Proposes Eliminating Methane Emissions Regulations for the Oil and Gas Industry

The environmental hits keep on coming from the Trump administration with news that the Environmental Protection Agency is now pushing to eliminate federal regulations on the oil and gas

industry's methane emissions, a major contributor to climate change. The White House now wants to lift Obama-era requirements that oil and gas companies use technology to monitor and repair potential methane leaks from across the supply chain—from wells, pipelines, and storage facilities.

U.S. News & World Report: EPA Proposes Rollback on Methane Emissions Regulations

THE ENVIRONMENTAL Protection Agency on Thursday announced a plan that will weaken regulations of methane emissions. The proposed rule would lessen federal requirements for technology that monitors methane leaks from the oil and gas industry, which is the largest methane emissions source in the country. According to the EPA, the proposal will save the oil and gas industry \$17 to \$19 million a year.

Vice News: The EPA Is Deregulating One of the Most Climate-Destroying Greenhouse Gases

The world is on fire, all the ice is melting, and the Trump administration wants to turn up the heat. On Thursday, the Wall Street Journal reported, the Environmental Protection Agency will announce a new plan to deregulate methane emissions by the fossil fuel industry. The EPA's plan continues the rollback of moderate Obama-era policies, eliminating requirements that the industry monitor and limit methane leaks from newly constructed wells, tanks, and pipelines; it would also pause efforts to regulate existing sites.

The Wall Street Journal: Energy Companies Set to Get Reprieve on Methane Rules

The Environmental Protection Agency announced Thursday that it plans to loosen federal rules on methane, a powerful greenhouse gas linked to climate change. The proposed rule would reverse standards enacted under President Barack Obama that required oil and gas operators to prevent the release of methane in new drilling wells, pipelines and storage facilities. It also challenges the notion that the federal government has the authority to regulate methane without first making a detailed determination that it qualifies as a pollutant under the Clean Air Act.

Washington Examiner: Daily on Energy: EPA won't regulate methane in latest Obama climate regulation rollback

The Environmental Protection Agency proposed a rule Thursday that would eliminate the direct federal regulation of methane emissions from oil and gas operations, a major rollback of an Obama administration policy to combat climate change. Methane, the main component of natural gas, is more potent than carbon dioxide, although its emissions don't last as long in the atmosphere.

Washington Post: Trump administration to reverse limits on methane, a powerful greenhouse gas

The Environmental Protection Agency is set to announce Thursday that it will loosen federal rules on methane, a powerful greenhouse gas linked to climate change, according to two senior administration officials. The proposed rule will reverse standards enacted under former president Barack Obama that require oil and gas operations to install controls on their operations to curb the release of methane at the well head and in their transmission equipment, including pipelines, processing and storage facilities.

ABC News

<https://abcnews.go.com/Politics/trump-administration-moves-roll-back-greenhouse-gas-rules/story?id=65264034>

Trump administration moves to roll back greenhouse gas rules on methane

By Stephanie Ebbs

The Trump administration announced its latest proposal to reverse [Obama-era regulations on greenhouse gases](#) on Thursday, the latest proposal targeting restrictions on the release of methane from oil and natural gas operations.

The move is the most recent in a series of policies meant to reverse policies put in place under the Obama administration intended to dramatically reduce greenhouse gas emissions to combat climate change.

The Trump administration has argued those regulations were too burdensome on the industry. The new rules follow the president's directive to lift regulations on the energy sector in favor of expanding oil and natural gas production.

The Environmental Protection Agency proposal would remove parts of the natural gas production process from methane restrictions, including compressor stations and underground storage.

"The agency is proposing that the addition of these sources to the 2016 rule was not appropriate, noting that the agency did not make a separate finding to determine that the emissions from the transmission and storage segment of the industry causes or significantly contributes to air pollution that may endanger public health or welfare," the agency said in a statement.

The rule would revoke limits on methane emissions for other parts of the industry it says are redundant because it already regulates volatile organic compounds, including methane. The EPA says the proposal would save the oil and natural gas industry \$17 to \$19 million a year.

The announcement comes almost a year after EPA proposed a different rule to limit other methane restrictions.

Methane is less prevalent than carbon dioxide but is considered a more potent greenhouse gas because it absorbs more energy and can contribute more to warming in the atmosphere. [EPA says](#) methane is more than 25 times more potent than carbon dioxide in how much warming it can contribute to the atmosphere over time.

More than 30% of methane released in the U.S. in 2017 was from oil and natural gas operations, [according to EPA](#).

Major oil and natural gas companies like Shell, BP and Exxon have said they support federal limits on methane emissions and are already taking steps to reduce emissions and prevent leaks.

"I urged the Administration earlier this year to write a rule for existing sources because I believe EPA's commitment to cost-effective regulations makes it uniquely qualified to write a workable rule," Shell U.S. President Gretchen Watkins said in a statement.

"Shell remains committed to achieving our target of maintaining methane emissions intensity below 0.2% by 2025 for all operated assets globally. Despite the Administration's proposal to no longer regulate methane, Shell's U.S. assets will continue to contribute to that global target. Additionally, Shell remains committed to cutting the Net Carbon Footprint of our energy products by around half by 2050. While the law may change in this instance, our environmental commitments will stand."

Methane accounts for roughly 10% of greenhouse gas emissions from human activity in the U.S, according to EPA data, mostly from natural gas production and livestock operations.

Like many of the administration's proposals the rule is expected to face legal challenges from environmental groups.

Associated Press

<https://www.apnews.com/e2872a46eb3e43bd928707bba2f2c031>

US proposing easing rules on climate-changing oil emissions

By Ellen Knickmeyer

The Environmental Protection Agency on Thursday proposed revoking Obama-era regulations on climate-changing methane leaks from many oil facilities, a move that environmental groups said was meant to renounce the agency's overall legal authority to regulate the gas in the fight against global warming.

EPA Administrator Andrew Wheeler said the proposed rule followed President Donald Trump's directions to remove "unnecessary and duplicative regulatory burdens from the oil and gas industry."

The step would be the latest in a series easing the previous administration's emissions controls on the oil, gas and coal industries, including a 2016 rule regulating oil-industry methane leaks as a pollutant under the federal Clean Air Act.

Methane is a component of natural gas that's frequently wasted through leaks or intentional releases during drilling operations. The gas is considered a more potent contributor to climate change than carbon dioxide, although it occurs in smaller volumes.

Under Trump, both the Interior Department and the EPA have proposed a series of rules — some blocked by courts — to loosen regulations of methane emissions.

Environmental advocates and former EPA officials had said they expected the new methane plan to go further than previous proposals, with a goal of exempting companies from requirements to detect and stop methane leaks at existing oil and gas sites.

“Essentially, this is the umpteenth iteration of the EPA’s exercise to define away its Clean Air Act authority ... to address air pollution and greenhouse gases,” said Joseph Goffman, an EPA air official under President Barack Obama.

The oil and gas industry is the country’s primary source of methane emissions, according to the EPA, accounting for nearly one-third in 2016.

While environmental groups pointed to the long-term impact, the oil industry said the direct immediate effect on methane emissions would be negligible. Controls on other, regulated pollutants would also capture methane in the pipeline, said Erik Milito of the American Petroleum Institute.

The Obama-era methane limits imposed “a disproportionate effect on small businesses” in the oil industry, Milito said. “A lot of mom and pops would have their wells shut in, elderly people with wells on their properties that could be shut down.”

The rollbacks on emissions from oilfields, storage sites and pipelines have split the oil industry, worrying some in the industry about growing blowback in a world increasingly mindful of climate change. Royal Dutch Shell this year urged the administration to crack down — not ease up — on the emissions. Many others in the oil and industry have welcomed the easing, however.

The latest rollback “highlights the Trump administration’s complete contempt for our climate,” Kassie Siegel of the Center for Biological Diversity, an environmental group, said in a statement. “The EPA is now so determined to actually increase greenhouse pollution that it’s even shrugging off concerns from oil and gas companies about gutting these protections.”

Axios

<https://www.axios.com/methane-regulation-rollbacks-climate-change-epa-0c0aeb58-f666-4cad-bead-9b78408f9ace.html>

EPA proposes roll back to Obama-era methane regulations

By Ben Geman and Ursula Perano

The Environmental Protection Agency proposed new rules Thursday designed to ease Obama-era regulations on methane emissions from the oil-and-gas business.

Why it matters: Methane is a very potent greenhouse gas. The oil and gas industry is a significant source of emissions from wells plus natural gas pipelines, compressors and other equipment.

- But the Trump administration argues there'd be "minimal environmental benefits if [the EPA] were to take the prior path," per an EPA press call on Thursday.

Details... The EPA is "co-proposing two actions":

- "In its primary proposal, the agency would remove sources in the transmission and storage segment of the oil and gas industry from regulation," a [release](#) reads.

- "In an alternative proposal, EPA would rescind the methane emissions limitations without removing from regulation any sources from the transmission and storage segment of the industry."

The intrigue: Oil companies aren't all on the same page. According to the New York Times, the powerful lobbying group American Petroleum Institute praised the forthcoming plan.

- But the NYT notes that Shell, ExxonMobil and BP support federal restrictions.
- On Thursday's call, an EPA spokesperson said the business community has offered "positive comments from across the board."

What they're saying: Environmental groups are pushing back on the change.

"If EPA manages to finalize and implement this illegal proposal, it will have devastating impacts on our climate for years to come,"

— said Darin Schroeder, an attorney with the Clean Air Task Force

Of note: The EPA stated it expects downward trends in methane emissions to continue despite proposed deregulation.

Go deeper: Exxon asks EPA to regulate methane emissions from oil and gas

Bloomberg Environment

<https://news.bloombergenvironment.com/environment-and-energy/epa-seeks-to-abandon-regulation-of-methane-leaks-from-oil-wells>

EPA Seeks to Abandon Regulation of Methane Leaks From Oil Wells

By Jennifer Dlouhy

- Agency proposes ending direct regulation of the greenhouse gas
- Move would block requirement for mandates on existing wells

The Trump administration is seeking to abandon regulations designed to stop methane leaks from oil and gas wells, a move opposed not just by environmentalists but even some energy companies that worry that it will undermine the appeal of natural gas as climate-friendly fuel.

The proposal, unveiled Thursday by the Environmental Protection Agency, is the latest assault in President Donald Trump's campaign to weaken Obama-era measures fighting climate change, building on previous efforts to ease greenhouse gas emission limits on power plants and automobiles.

Although methane is the chief component of natural gas and therefore a valuable energy source in its own right, it is also a powerful heat-trapping pollutant. And the methane that escapes from pipelines, compressor stations and from oil wells has been blamed for up to a quarter of the planet's warming.

The Trump EPA was already moving on a separate track to relax requirements put in place by the Obama administration that forced energy companies to use specialized equipment at wells and search out methane leaks at the sites. The new measure would also short-circuit a legal requirement that similar

curbs be imposed on a million existing wells, mandates that could disproportionately affect smaller, independent oil companies.

EPA Administrator Andrew Wheeler said in a news release the proposal “removes unnecessary and duplicative regulatory burdens from the oil and gas industry.”

Although independent oil producers backed the EPA’s move, it comes against the wishes of several global energy companies, such as BP Plc and Royal Dutch Shell Plc, which have warned the administration’s retreat on methane threatens to undermine the sales pitch for natural gas as a climate-friendly power source that burns cleaner than coal. Executives from both companies criticized the proposal Thursday.

Methane accounts for just 10% of U.S. greenhouse gas emissions, yet it packs a big punch. It has more than 84 times the heat-trapping potential of carbon dioxide the first two decades it escapes into the atmosphere, and is at least 28 times more powerful over a century. And the oil industry is the leading industrial source of it.

“There is overwhelming scientific evidence that methane is harmful -- more harmful than we thought -- and the oil and gas sector is a bigger contributor to that pollution than we thought,” said Peter Zalzal with the Environmental Defense Fund.

The Obama administration took direct aim at the oil industry’s methane emissions in 2016, by imposing requirements for energy companies to frequently seek and plug leaks at wells drilled after the regulation was put in place. Other requirements also managed to pare methane emissions but did so indirectly, by targeting other, conventional pollutants and seeking to stop the waste of natural gas extracted from federal lands.

Though the 2016 requirements were targeted to new wells, they triggered a legal requirement that the EPA also regulate methane from oilfield infrastructure put in place prior to that year. The expense and challenge of plugging leaks on some decades-old, low-producing wells could force some companies to shut in production at the sites, according to the Independent Petroleum Association of America.

Under Thursday’s proposal, the EPA would effectively divide the oil and gas industry into two segments for the purposes of greenhouse gas regulation, with upstream wells classified separately from pipelines, tanks and natural gas transmission, which would effectively be exempted from methane mandates.

More than 40 oil and gas companies have made voluntary commitments to keep methane in check, even as some of them insist federal regulation is essential too.

“We have to reduce methane emissions for natural gas to realize its full potential in our energy mix,” BP America Inc. Chairman Susan Dio said by email. “The more gas we keep in our pipes and equipment, the more we can provide to the market -- and the faster we can all move toward a lower-carbon future.”

Environmental advocates have argued that voluntary industry steps are inadequate given the scale of the problem and within a highly fragmented industry. Oil companies with big balance sheets and wells concentrated in a few areas of the U.S. may be better able to absorb the costs of equipment retrofits,

methane monitoring and leak-repair programs than smaller, independent producers with wide-ranging infrastructure.

"We believe sound environmental policies are foundational to the vital role natural gas can play in the energy transition and have made clear our support of 2016 law to regulate methane from new and modified onshore sources," Gretchen Watkins, president of Shell Oil Co. said in an emailed statement. Shell urged the administration to impose methane requirements on existing wells, too, Watkins said, because the "EPA's commitment to cost-effective regulations makes it uniquely qualified to write a workable rule."

Supporters of the EPA's measure say the Obama administration went too far in deciding to specifically regulate methane, rather than focusing on paring conventional pollution from oil and gas infrastructure.

Existing EPA requirements -- which focus on paring the release of volatile organic compounds at oil and gas wells -- would still help rein in methane emissions at the sites, just indirectly. And as new wells are drilled -- and old wells stop producing -- more of them fall under those regulations targeting volatile organic compounds. By 2023, nearly 90% of all U.S. natural gas and oil production will fall under the earlier EPA requirements, according to the American Petroleum Institute.

But environmental advocates said the EPA proposal will squander time in an urgent fight against climate change.

The EPA is "proposing to give an entire segment of the oil and gas sector a pass from controlling its air pollution," said Darin Schroeder, an attorney with the Clean Air Task Force. "To justify these actions, EPA is ignoring decades of its own precedent and mountains of evidence that prove that not only is reducing methane from the entire industry easily done, but it is also extremely important if we are to avoid the most catastrophic impacts from climate change."

CBS News

<https://www.cbsnews.com/news/trump-methane-rollback-energy-industry-may-get-looser-oversight-from-trump-proposal-to-ease-methane-rules/>

Energy industry may get looser oversight from Trump proposal to ease methane rules

Oil and gas companies may face far looser oversight of emissions of potent climate-changing methane gas under a proposal expected from the Trump administration as soon as Thursday, oil industry and environmental groups said.

The government's plan would ease requirements on oil and gas sites to monitor for methane leaks and plug them. But not all energy companies are in support of the plan, with Shell U.S. President Gretchen Watkins telling the Washington Post on Thursday that it supports national limits on methane.

The Environmental Protection Agency's move would be the latest in a series by the administration easing Obama-era emissions controls on the oil, gas and coal industries, including for methane.

Methane is a component of natural gas that's frequently wasted through leaks or intentional releases during drilling operations. The gas is considered a more potent contributor to climate change than carbon dioxide, although it occurs in smaller volumes.

Under President Donald Trump, both the Interior Department and the EPA have proposed a series of rules — some blocked by courts — to loosen regulations of methane emissions.

Environmental concerns

Environmental advocates expected the new methane plan to go further than previous proposals, with a goal of exempting companies from requirements to detect and stop methane leaks at existing oil and gas sites.

For the EPA, part of the goal is "they want to get rid of direct regulation of methane," said Matt Watson, a vice president of the energy program at the Environmental Defense Fund, an advocacy group.

Other environmental activists expressed their concerns with the proposal, such as environmentalist and 350.org founder Bill McKibben, who wrote on Twitter, "The fracking boom is spewing clouds of methane, it's a huge driver of climate change, and now we're going to drop the (minimal) regulation we've had in place."

The oil and gas industry is the nation's primary source of methane emissions, according to the EPA, accounting for nearly one-third in 2016.

Oil industry is split

The administration rollbacks on emissions from oilfields, storage sites and pipelines have split the oil industry, worrying some in the industry about growing blowback in a world increasingly mindful of climate change.

Shell U.S. told the Washington Post it would continue to work toward its goal of reducing its methane leaks to less than 0.2 percent by 2025.

"We believe sound environmental policies are foundational to the vital role natural gas can play in the energy transition and have made clear our support of 2016 law to regulate methane from new and modified onshore sources," Shell's Watkins told the publication. "Despite the administration's proposal to no longer regulate methane, Shell's U.S. assets will continue to contribute to that global target."

Royal Dutch Shell this year urged the administration to crack down — not ease up — on the emissions. Many others in the oil and industry have welcomed the easing, however.

The latest rollback "highlights the Trump administration's complete contempt for our climate," Kassie Siegel of the Center for Biological Diversity, an environmental group, said in a statement. "The EPA is now so determined to actually increase greenhouse pollution that it's even shrugging off concerns from oil and gas companies about gutting these protections."

CNBC

<https://www.cnn.com/2019/08/29/politics/methane-emissions-regulations-epa-rollback/index.html>

Trump administration expected to roll back regulation on methane, a major climate change contributor

By Emma Newburger

KEY POINTS

- The Trump administration will announce on Thursday plans to weaken regulation on climate-changing methane emissions, according to multiple reports citing oil industry and environmental groups.
- The Environmental Protection Agency's proposed rule would lessen restrictions on oil and gas sites to monitor and repair methane leaks from pipelines and storage facilities.
- The rule would be the latest move by the Trump administration to roll back Obama-era emission regulations on major oil and gas industries, which are the main source of methane emissions in the U.S.

The Trump administration will announce on Thursday plans to weaken regulation on climate-changing methane emissions, according to multiple reports citing oil industry and environmental groups.

The Environmental Protection Agency's proposed rule would lessen restrictions on oil and gas sites to monitor and repair methane leaks from pipelines and storage facilities, the media outlets said.

The rule would be the latest move by the Trump administration to roll back Obama-era emission regulations on major oil and gas industries, which are the main source of methane emissions in the U.S.

Carbon dioxide is the most substantial greenhouse gas, and methane is the second. However, methane has 80 times the heating-trapping capability of carbon dioxide during the first 20 years in the atmosphere, and comprises nearly 10% of the country's greenhouse gas emissions.

Some major oil, gas and auto companies have actually opposed the Trump administration's rollback proposals.

Four of the world's biggest automakers opposed Trump's plan to let vehicles pollute more by striking a deal in California to curb their own emissions. And some electric utility companies have opposed the EPA's weakened regulations on toxic mercury emissions by coal-burning power plants.

The Wall Street Journal [first reported on the proposed ruling](#).

CNN

<https://www.cnn.com/2019/08/29/politics/methane-emissions-regulations-epa-rollback/index.html>

EPA proposes rule easing regulation of methane emissions

By Veronica Stracqualursi and Gregory Wallace

The Environmental Protection Agency announced a proposal on Thursday to ease regulation of methane emissions, a particularly potent greenhouse gas believed to contribute significantly to climate change, because it believes the Obama administration improperly regulated it.

The proposed rule, expected this week, would no longer require the oil and gas industry to install technologies that monitor and limit leaks from new wells, tanks and pipelines. It's the latest move by the Trump administration that would disregard scientific beliefs of the threat the climate crisis poses to the planet.

"The proposal would remove regulatory duplication and save the industry millions of dollars in compliance costs each year -- while maintaining health and environmental regulations on oil and gas sources that the agency considers appropriate," the EPA said in a statement. It estimated savings at between \$17 million and \$19 million annually.

It said the proposal would "rescind emissions limits for methane, from the production and processing segments of the industry."

The proposal calls for maintaining regulations of volatile organic compounds, or VOCs. "The controls to reduce VOCs emissions also reduce methane at the same time, so separate methane limitations for that segment of the industry are redundant," the EPA said.

The Wall Street Journal [first reported](#) on the proposed new rule.

The Trump administration has previously targeted the Obama administration's 2016 rule, first proposing to halt its enforcement while considering replacing or repealing it. That attempt was overruled by a federal court.

The industry has been divided over how methane should be regulated.

The American Petroleum Institute, an industry group, said Thursday the changes are not a "rollback," but rather "a realignment with the agency's obligations under the Clean Air Act." The changes, the group wrote in a blog post, "could reduce duplication with state programs, provide greater clarity for industry in its regulatory compliance and, ultimately, further lower methane and other emissions and protect the environment by making it easier for operators to gain approvals for use of new, innovative technologies to detect fugitive emissions for repair."

Shell, on the other hand, said it generally supports the Obama-era regulation and has its own plans to reduce its methane emissions. "Despite the Administration's proposal to no longer regulate methane, Shell's US assets will continue to contribute to that global target," said Gretchen Watkins, the president of its US-based business.

Dominant greenhouse gases released into the Earth's atmosphere -- carbon dioxide, methane, and nitrous oxide -- have reached record levels in 2018, and their global warming power is now 43% stronger than in 1990, according to a [new report](#) by the American Meteorological Society released Monday.

In the first two decades after its release, methane is 84 times more potent than carbon dioxide, according to the Environmental Defense Fund. Methane is at first much more dangerous than carbon dioxide when it comes to the climate because of how effectively it absorbs heat.

Once the EPA's new proposal is published in the Federal Register, there is a 60-day window for public comment and a public hearing will be held.

The Wall Street Journal, which earlier published an interview with the EPA official announcing the proposal, reported the agency intends to finalize the methane emission rule by 2020. The agency said it also plans to finalize a related methane rule "in the upcoming months."

President Donald Trump, who previously called climate change a hoax, withdrew the US in 2017 from the Paris climate accord, which aims at reducing greenhouse gas emissions. Earlier this week, the President skipped a climate change session at the G7 meeting in France, citing a scheduling conflict.

Courthouse News Service

<https://www.courthousenews.com/epa-poised-to-unravel-methane-rules-alarming-climate-scientists/>

EPA Poised to Unravel Methane Rules, Alarming Climate Scientists

By Brandi Bunchman

Unraveling rules that it had tried for years to put on hold, the Environmental Protection Agency released a proposal Thursday to cut regulations on methane, the second most potent greenhouse gas that accelerates global warming.

The proposed rollback will remove federal inspection requirements for methane-well leaks as well as at methane pipelines and storage facilities. It also maintains regulations on methane produced by way of volatile organic compounds, a separate category of gases.

Methane is the primary ingredient in natural gas and it is a powerhouse at trapping heat. It traps more heat than carbon dioxide when released into the atmosphere, and it makes up nearly 10% of all greenhouse gases emitted from the United States.

Under last year's recommendations by the Intergovernmental Panel on Climate Change, methane emissions would need to drop 35% below levels set in 2010 for the planet to hold rising temperatures to 1.5 degrees Celsius.

United Nations special representative Rachel Kyte told The New York Times on Thursday that the proposal was "extraordinarily harmful."

"Just at a time when the federal government's job should be to help localities and states move faster toward cleaner energy and a cleaner economy, just at that moment when speed and scale is what's at stake, the government is walking off the field," Kyte said.

EPA Administrator Andrew Wheeler said Thursday that the 2016 regulations were unfair because the agency had failed to make separate findings determining whether the emissions from sources like compressor stations and storage vessels were in fact the cause of increased air pollution.

The rollback is in line with an executive order issued by President Donald Trump last year directing federal agencies to further develop energy resources.

“The Trump administration recognizes that methane is valuable, and the industry has an incentive to minimize leaks and maximize its use,” Wheeler said. “Since 1990, natural gas production in the United States has almost doubled while methane emissions across the natural gas industry have fallen by nearly 15%. Our regulations should not stifle this innovation and progress.”

Bill McKibben, who founded the climate change campaign organization 350.org, warned Thursday, however, that this reversal of methane regulations poses an even greater danger than most might initially realize.

“It’s always been difficult for the media, and hence the public, to understand methane,” McKibben said in an email. “As our carbon emissions have fallen, our methane emissions have risen steadily — it’s possible that our total greenhouse gas emissions have not gone down at all. What a farce.”

When he wrote about the phenomenon for The Nation, McKibben noted that Harvard researchers had published a paper in Geophysical Research Letters that said the U.S. is leaking methane at a rate far greater than original EPA estimates. According to satellite and ground observations, from 2002 to 2014, methane emissions actually shot up over 30%.

This, in turn, has forced more public and congressional focus on carbon dioxide.

As a result, coal-fired power plants have shuttered and have been steadily replaced with natural gas-burning plants.

While this helps carbon dioxide levels tick downward, McKibben likened this method to cutting one’s hair for weight loss.

The EPA conducted an impact-analysis study on the regulation and reportedly found that if enforced, it would save the oil and gas industry \$17 to \$19 million per year, or roughly \$97 to \$123 million between 2019 and 2025.

If it isn’t stopped, the new rule is expected to take effect next year. The rule must undergo a 60-day public-comment period before being finalized.

Oil and gas companies are split in their reaction to the anticipated rollback. In the past, companies like Exxon have warned against rolling back methane regulations. The company advocated for maintaining Obama-era standards in a letter to the EPA last December.

Exxon and other oil and gas companies, including Royal Dutch Shell, have a stake in maintaining the methane regulations because a rollback could threaten to put a negative spotlight on the natural-gas industry at a time when anxieties around a rapidly warming planet are already high.

When the EPA was under the direction of former administrator Scott Pruitt, the agency attempted to suspend the methane regulation broadly. Pruitt first ordered that the rule be suspended for 90 days and then ordered the agency extend it to a two-year moratorium.

When a divided D.C. Circuit panel nipped that plan in the bud two years ago, the majority called the EPA unreasonable and said the agency did not have the sole authority to overrule Clean Air Act terms.

“EPA’s stay, in other words, is essentially an order delaying the rule’s effective date, and this court has held that such orders are tantamount to amending or revoking a rule,” wrote U.S. Circuit Judges David Tatel and Robert Wilkins, appointees of Presidents Bill Clinton and Barack Obama, respectively.

Against a dissent by U.S. Circuit Judge Janice Rogers Brown, who was appointed by President George W. Bush, the court sent the EPA back to the drawing board, saying only a new rule could undo the Obama-era rule.

The Daily Caller

<https://dailycaller.com/2019/08/29/methane-trump-obama-epa-oil/>

Trump Goes After Another Obama-Era Reg As EPA Plans To Ease Rules Affecting Oil Companies

By Chris White

The Environmental Protection Agency announced Thursday a plan to loosen federal rules governing methane emissions, a move that could be a boon for some energy providers and setback for environmentalists, the agency said in a statement.

The move will reverse standards set under President Barack Obama that require oil companies to install instruments on their pipelines and well heads that curb the release of methane, an emission researchers believe contributes to global warming. President Donald Trump spent his first two years eliminating scores of his predecessor’s environmental legacy.

Trump officials believe the fossil fuel industry has an incentive to limit methane because capturing it allows companies to sell more gas, officials told WaPo on the condition of anonymity. Such changes will save the industry between \$17 million and \$19 million a year, the EPA noted.

“EPA’s proposal delivers on President Trump’s executive order and removes unnecessary and duplicative regulatory burdens from the oil and gas industry,” EPA Administrator Andrew Wheeler said in a statement. “The Trump Administration recognizes that methane is valuable, and the industry has an incentive to minimize leaks and maximize its use. Since 1990, natural gas production in the United States has almost doubled while methane emissions across the natural gas industry have fallen by nearly 15%.”

Some of the largest oil companies in the U.S. are not on board with the move.

“We believe sound environmental policies are foundational to the vital role natural gas can play in the energy transition and have made clear our support of 2016 law to regulate methane from new and modified onshore sources,” Shell President Gretchen Watkins said in a statement Thursday before the announcement.

U.S. assets will continue to contribute to that global target.”

Part of the concern from an environmental perspective is that methane is a significant contributor to the world’s greenhouse gas emissions, even though the gas dissipates quicker than carbon dioxide.

The EPA will continue regulating compounds released during oil and gas operations and avoid regulating methane directly, according to documents WaPo obtained. Trump’s move comes after the Department of Interior moved in 2018 to ease such requirements for oil and gas companies operating on federal and tribal land.

Activists are threatening to block the move in courts.

“This reckless rollback highlights the Trump administration’s complete contempt for our climate,” Kassie Siegel, director of the Climate Law Institute at the Center for Biological Diversity, said in a statement.

Lobbyists for the energy industry have long supported nixing what they describe as Obama’s regulatory morass.

Obama’s methane rule “was the definition of red tape. It was a record-keeping nightmare that was technically impossible to execute in the field,” Kathleen Sgamma, president of the Western Energy Alliance, an association of independent oil companies based in Colorado, said in September 2018 when Trump last considered such a move.

Trump has sought ways to ding several of Obama’s major environmental regulations. The EPA proposed repealing a rule on carbon dioxide pollution from vehicle tailpipes in 2018, which is under legal review. Former EPA head Scott Pruitt proposed replacing the rule on carbon dioxide pollution with a weaker one freeing up coal power plants.

Financial Times

<https://www.ft.com/content/dae5ce62-ca67-11e9-af46-b09e8bfe60c0>

Trump moves to reverse methane emission limits

By Kiran Stacey and Anjali Raval

The Trump administration has taken another step towards rolling back US environmental regulations by proposing to remove limits on methane leaks for the oil and gas industry, despite protests from some of the world’s largest oil companies themselves.

Andrew Wheeler, the US Environmental Protection Agency head, on Thursday proposed removing rules that force companies to take strict precautions to avoid methane leaks while drilling for oil and gas.

Methane, which is released during oil and gas drilling if there is a leak or if waste gas is not completely flared, is one of the main greenhouse gases that contribute to climate change.

The proposal, which is the latest attempt by the White House to row back on environmental rules imposed under then-President Barack Obama, is particularly notable because large oil companies have opposed it amid mounting pressure from investors to adhere to stronger environmental standards.

The last few attempts were like a chisel to the existing methane emissions regulations. This is like an axe Ben Ratner, Environmental Defense Fund “The Trump Administration recognises that methane is valuable, and the industry has an incentive to minimise leaks and maximise its use,” Mr Wheeler said in a statement. “Since 1990, natural gas production in the United States has almost doubled while methane emissions across the natural gas industry have fallen by nearly 15 per cent.

“Our regulations should not stifle this innovation and progress.”

While the turnaround in policy was welcomed by the American Petroleum Institute, which represents a large part of the oil and gas industry, some major individual companies such as BP, ExxonMobil and Royal Dutch Shell have opposed it.

Under the EPA’s proposal, it would continue to regulate methane emissions, but only indirectly, as far as they come under separate rules regarding so-called “volatile organic compounds”.

BP said on Thursday it would “continue to advocate for the direct regulation of methane”. Susan Dio, the chair of BP America said: “Simply, the more gas we keep in our pipes and equipment, the more we can provide to the market — and the faster we can all move toward a lower-carbon future.”

ExxonMobil said in a statement to the EPA in December: “We believe the correct mix of policies and reasonable regulations help reduce emissions, further supporting the benefits of natural gas in the energy mix.”

The EPA said as a result of the rules being rescinded, an extra 370,000 short tons of methane — equivalent to 8.4m tonnes of carbon dioxide — would be emitted. This would save oil and gas companies between \$17m and \$19m a year, the agency said.

The agency will now allow 60 days for comment on the plan, before coming up with a final ruling.

Ben Ratner at the Environmental Defense Fund said on Thursday: “This is an extreme rollback from the Trump administration. The last few attempts were like a chisel to the existing methane emissions regulations. This is like an axe.”

“Some states can, and will continue to regulate, but there are plenty that will not. The remaining nationwide environmental regulations would be a small sliver of what is needed to address the methane problem”. Recommended Moral Money Cargill pledges to cut methane emissions from its beef business

Mr Trump has sought to reverse a series of Obama-era climate policies, including vehicle emissions standards and mercury emissions by coal-burning power plants, enraging environmentalists and even oil and gas executives.

Mr Wheeler, a former coal lobbyist, told the Financial Times in May that he did not see tackling climate change as his top priority. Mr Trump has previously said he does not believe climate change is caused by humans and is planning to pull the US out of the Paris climate agreement.

Fox Business

<https://www.foxbusiness.com/energy/trump-epa-methane-emissions-regulations-rollback>

Trump administration to roll back Obama-era regulations on methane emissions

By Megan Henney

The Trump administration announced a proposal on Thursday to reverse Obama-era rules on methane emissions, the greenhouse gas that's been linked to climate change, from the oil-and-gas industry — a multi-million dollar boon to the energy companies.

Under the plan, widely released Thursday, the Environmental Protection Agency would no longer require the industry to install technologies that monitor, limit and repair methane leaks from pipelines and storage facilities.

The new rule, which would loosen the requirement for the industry to install technologies limiting leaks, marks the latest attempt by President Trump to roll back Obama-era emissions regulations on oil and gas industries. It would also eliminate legal limits for methane emissions from industry sites.

The oil and gas industry is the biggest contributor of methane emissions in the country, accounting for almost one-third in 2016. According to the [Environmental Defense Fund](#), if methane leaks into the air before being used, it absorbs the sun's heat, warming the atmosphere. In the first two decades after its release, methane is 84 times more potent than carbon dioxide.

"EPA's proposal delivers on President Trump's executive order and removes unnecessary and duplicative regulatory burdens from the oil and gas industry," EPA Administrator Andrew Wheeler said in a statement. "The Trump administration recognizes that methane is valuable, and the industry has an incentive to minimize leaks and maximize its use."

But several major gas companies, including ExxonMobil, Shell and BP, actually oppose the move, stressing the need to reduce methane emissions in the atmosphere.

Similarly, four of the [world's biggest automakers sidestepped the Trump administration](#) at the end of July, signing a deal with California to raise standards governing gas mileage and emissions instead of backing the White House's plan to roll back Obama-era fuel efficiency rules.

In 2017, the EPA tried to suspend the regulation on methane; however, a federal appeals court blocked the move.

Fox News

<https://www.foxnews.com/politics/trumps-epa-rollback-obama-era-regs-on-methane>

Trump's EPA to roll back Obama-era regs on methane emissions from oil fields

By Adam Shaw

The Trump administration on Thursday is expected to announce rollback regulations on methane emissions in oil fields — the latest push by the administration to undo Obama-era environmental regulations.

The Environmental Protection Agency's plan would ease requirements on oil and gas sites to monitor for methane leaks and plug them, The Associated Press reported, citing industry and environmental groups.

The oil and gas industry is the nation's primary source of methane emissions, accounting for nearly one-third in 2016.

Environmental advocates said they expect the plan to go further than previous proposals, and aim to exempt companies from requirements to detect and stop leaks at oil and gas sites.

According to [The Wall Street Journal](#), the plan would also stop legal requirements that force the EPA to set rules on emissions from pre-existing well and industry sites.

"The purpose of this rule is to get to the fundamental basis of whether [methane] should have been regulated in the first place," Anne Idsal, the acting assistant administrator for the Environmental Protection Agency's Office of Air and Radiation, told the Journal. "It's not about whether we're doing the maximum we can or should do to deal with" climate change.

The proposal begins a 60-day public comment period and then an administration review. The Journal reports that the administration aims to finalize the rules in 2020.

Methane is a component of natural gas that is often wasted through releases during drilling operations, and is considered by scientists as a more powerful contributor to climate change than carbon dioxide, although there is less of it.

It is the latest in a series of aggressive moves by the administration to roll back regulations imposed by the administration of former President Obama.

[The EPA in June finalized plans](#) for replacing Obama-era regulations on emissions from coal-fired power plants. Administrator Andrew Wheeler also signed the Affordable Clean Energy Rule, which gives individual states wide discretion to decide whether to require limited efficiency upgrades at individual coal-fired power plants.

That rule, once fully implemented, allows states to select their own energy plans. States will be given three years to submit the plan and the EPA will have 12 months to approve it. Wheeler called it a sign that "fossil fuels will continue to be an important part of the mix" in the U.S. energy supply.

President Trump has long been skeptical about the effect emissions and other activities have on climate change. Last year he also pulled the U.S. out of the international Paris climate accord, which the U.S. entered into under President Obama.

Greenwire

<https://www.eenews.net/stories/1061110633>

EPA unveils plans to scrap Obama-era methane rules

By Niina Farah

EPA today unveiled two parallel proposals for how the agency would stop directly regulating methane emissions from the oil and gas industry, potentially slashing controls on greenhouse gases from the sector.

EPA would only target volatile organic compounds, or VOCs, from new or modified sources in both plans — a move that would effectively halt any action by the administration to regulate existing oil and gas operations, the largest source of methane emissions from the sector.

Anne Idsal, acting head of EPA's Office of Air and Radiation, described the change as "eliminating regulatory duplication," saying the plans would have net benefits of about \$10 million per year for the industry.

The agency would amend 2016 New Source Performance Standards on new and modified oil and gas pollution sources, part of a broad push by the Obama team targeting methane releases.

Idsal said, "Our regulations should not stifle innovation and progress," especially when she said the Obama rule "would already provide minimal benefits."

In addition to just targeting VOCs, the main proposal would stop regulating the transmission and storage segments of the oil and gas sector altogether.

This includes scrutiny of sources like transmission compressor stations, pneumatic controllers and underground storage tanks.

The agency says the Obama administration should have released an endangerment finding demonstrating these segments of the industry significantly affect public health and welfare.

In an alternative proposal, EPA would simply switch its targeted pollutant to VOCs but maintain regulation across the transmission and storage sections.

Impacts

An EPA fact sheet stated that the rulemaking's impact on new and modified sources would result in 370,000 short tons of methane released — the equivalent of 8.4 million metric tons of carbon dioxide between 2019 and 2025.

VOCs would also increase by 10,000 short tons, and other hazardous pollutants would go up by 300 short tons over the same period.

While the agency is justifying its plans by arguing that controls on VOCs also control methane, Idsal did not address the proportion of VOCs present compared with methane along the supply chain.

Industry groups have noted that most VOCs are eliminated during gas processing, so there would be little present to regulate anyway in the transmission and storage sections.

Not only would the proposals eliminate the requirement to control methane emissions from a portion of new and modified sources, EPA is arguing it is no longer required to regulate existing sources.

With the current Obama regulation in place, EPA must draft an existing source rule under Section 111(d) under the Clean Air Act.

But by changing the regulated pollutant to VOCs, EPA would no longer be required under the Clean Air Act to draft a rule to regulate all existing oil and gas sources, which make up the vast majority of methane emissions. In its place would be a patchwork system of guidelines and state-level regulations (*Climatewire*, Aug. 15).

"We are precluded from regulating existing sources, that is the position we are taking," said Idsal in a conference call.

Mixed views from industry

That could be a boon for small producers that produce 15 or fewer barrels of oil per day and that account for 770,000 of 1 million existing sources, according to the Independent Petroleum Association of America. IPAA maintains the regulation poses a heavy financial burden to these producers (*Greenwire*, Aug. 12).

In a statement, IPAA praised the EPA proposals, saying a combination of state-level rules and existing guidelines for oil and gas in ozone nonattainment areas provide better alternatives for regulating older, smaller wells.

Idsal denied the rule change was meant to benefit any specific type of oil and gas producer. "We are taking a broad view going forward, this is by no means targeted to any segment of the oil and gas industry," she said.

Not all segments of the oil and gas industry have been seeking the rule changes. Major oil and gas companies like Royal Dutch Shell PLC, BP PLC and Exxon Mobil Corp. have come out in support of maintaining the Obama-era guidelines.

Idsal said oil and gas companies that saw a benefit in more stringent controls could continue to implement them. "We don't preclude anyone from going above and beyond if that's what they conclude they need to do from a business and compliance standpoint," she said.

'Exercise in absurdity'

Environmental groups and former EPA officials swiftly condemned the rule change for ignoring climate science and the added risk posed by methane emissions, which have 25 times the heat-trapping capability of CO₂ over a 100-year time span.

"This is another example of EPA responding to a subset of companies in a fossil intensive industry to rollback sensible measures that would reduce emissions of methane," Janet McCabe, former acting head of EPA's air office, said in a statement.

The Clean Air Task Force noted that the Obama administration's rule had already been in place since its passage in 2016 and had been reducing methane, VOCs and other hazardous air pollutants from the sector.

The environmental group noted the industry had already found regulation of methane from transmission and storage was "highly cost-effective," and reversing course was merely an attempt to allow the sector to ignore the full impact of methane emissions from the sector.

"EPA's logic here is an exercise in absurdity," said Darin Schroeder an attorney at CATF.

Lauren Pagel, policy director at Earthworks, said the environmental group has used optical gas imaging cameras to track methane emissions and document the impact of unregulated oil and gas industries on local communities.

Pagel noted that some major oil and gas companies had also urged the Trump administration to preserve the 2016 methane rule.

"The proposed elimination of critical national safeguards against oil and gas methane pollution is reckless, and it will impact millions of families living with oil and gas pollution in their backyards," she said in a statement.

Earthjustice vowed to sue the administration to keep the Obama rule in place.

'Don't do this'

As expected, the methane rollback earned quick reproach from Democrats on Capitol Hill, who said it would make climate change worse and endanger lives.

Rep. Don Beyer (D-Va.) noted that July was the hottest month in recorded history, underscoring the potential damage of increased greenhouse gas emissions.

"The threat of climate change to human life and livelihoods has never been clearer, and yet the Trump Administration is acting to allow an increase in the dangerous emissions which cause it," Beyer said in a statement.

"It should be telling for everyone trying to make sense of this move that even fossil fuel companies think they are going too far," he said.

Rep. Paul Tonko (D-N.Y.), chairman of the Energy and Commerce Subcommittee on Environment and Climate Change, took to [Twitter](#) to urge President Trump to "hear the warnings of America's climate scientists, military, intelligence & national security experts, farmers, economists, doctors, nurses, business leaders, victims of flooding and wildfires, all pointing to threats we face from climate change." "Don't do this," he wrote.

New Mexico Democratic Sen. Tom Udall, whose state is working on its own methane regulations for its burgeoning oil and gas industry, called the rollback an "affront to New Mexicans."

"We should be strengthening protections for people and the environment from methane, not weakening them," Udall said in a statement.

'No environmental benefit'

Republicans praised the proposal. Given voluntary methane emission reductions by the oil and gas industry and regulation at the state level, there's little need for a federal rule, they said.

"The state of Wyoming already regulates methane emissions from oil and gas production," Senate Environment and Public Works Chairman John Barrasso (R-Wyo.) said in a statement. "There's no need for Washington to pile on. I will work with Wyoming to evaluate the Environmental Protection Agency's new proposal."

Sen. Jim Inhofe (R-Okla.), a longtime backer of oil and gas and a former EPW Committee chairman, was slightly more forceful in his praise for the Trump administration's proposal. The Obama-era methane rule, he said, "had no environmental benefit and created needless costs."

"Methane emissions have continued to decrease by voluntary actions initiated by industry, all while oil and gas production has skyrocketed," Inhofe said in a statement. "With this kind of progress, why would regulation be necessary?"

The Guardian

<https://www.theguardian.com/environment/2019/aug/29/trump-administration-roll-back-methane-regulations>

Trump administration to roll back Obama-era pollution regulations

By Emily Holden

The Trump administration is rolling back requirements that oil and gas drillers correct leaks of methane – a potent heat-trapping pollutant contributing to the climate crisis.

The Environmental Protection Agency announced the proposal on Thursday, against the wishes of some major oil companies.

Trump will reverse standards issued by Barack Obama that forced companies to install controls to curb methane releases from drilling operations, pipelines and storage facilities. The EPA is claiming the changes would save the oil and gas industry \$17m to \$19m a year, or up to \$123m by 2025.

Agency administrator Andrew Wheeler, a former energy lobbyist, said methane is valuable so industry already has an incentive to minimize leaks. He called existing rules “unnecessary and duplicative”.

The Trump administration has moved to erase all of Obama’s climate policies and to ease other pollution controls for oil, gas and coal companies. Not all of industry has supported those changes. For example, car companies are currently pushing back against a weakening of mileage standards.

The advocacy group the Clean Air Task Force said the EPA is ignoring decades of its own precedent and mountains of evidence that cutting methane is easy and extremely important.

“If the EPA manages to finalize and implement this illegal proposal, it will have devastating impacts on our climate for years to come,” said the group’s attorney Darin Schroeder.

He said the EPA’s methane rollbacks will lead to industry “dumping an additional 1.2m tons of methane into the air in 2025 – which will warm the planet as much as the pollution from 22m cars.”

Janet McCabe, a top air official under Obama, noted that methane has about 25 times the warming potential of carbon dioxide. Its impacts could be even larger. And methane makes up about 10% of warming pollutants in the US.

A study by the advocacy group the Environmental Defense Fund also argues the oil and gas industry is releasing more methane than is reported.

McCabe said the rule changes are a “rejection of the vast – the increasing – body of science that shows that climate change is affecting humans around the globe”. She said the rule changes would make regulations more uncertain for companies.

Some of the companies that have already made investments in eliminating their methane leaks agreed. The oil trade group the American Petroleum Institute supports the rollback, but Exxon, Shell and BP have spoken in favor of restrictions. Smaller oil producers say the Obama standards would be too expensive and would make it hard for them to compete with the majors.

The API argues that nixing the rules will “strengthen emissions standards” by reducing duplication with existing state programs, providing clarity for industry and making it easier for operators to use “new, innovative technologies”.

Congressman Don Beyer, a Democrat from Virginia, said it should be telling that the industry itself is split over the changes.

“Last month the planet experienced its hottest month in recorded history. The threat of climate change to human life and livelihoods has never been clearer, and yet the Trump administration is acting to allow an increase in the dangerous emissions which cause it,” Beyer said.

The Hill

<https://thehill.com/policy/energy-environment/459285-trump-administration-proposes-weaker-methane-regulations>

Trump administration proposes weaker monitoring of major greenhouse gas

By Miranda Green and Rebecca Beitsch

A newly proposed Trump administration rule would allow for weaker monitoring of methane, a major greenhouse gas contributing to global warming.

The proposed rule rolled out Thursday morning by the Environmental Protection Agency (EPA) would eliminate current requirements on oil and gas companies to install technology to monitor methane emissions from pipelines, wells and facilities.

Methane is a major component of natural gas and frequently leaks from drilling and transportation. While the gas has a shorter lifespan than carbon dioxide, another major greenhouse gas contributor, methane is significantly more harmful. Some studies indicate that the climate change-linked gas is 80 times more adept at trapping heat in the atmosphere in the first 20 years than carbon dioxide.

EPA said the oil and gas industry is already interested in capturing valuable methane and the new rule would reduce their overhead, saving them millions of dollars in compliance-related spending.

Agency officials said Thursday that the new rule would still maintain “appropriate” health and environmental regulations.

“EPA’s proposal delivers on President Trump’s executive order and removes unnecessary and duplicative regulatory burdens from the oil and gas industry,” Administrator Andrew Wheeler said in a statement.

“The Trump Administration recognizes that methane is valuable, and the industry has an incentive to minimize leaks and maximize its use. Since 1990, natural gas production in the United States has almost doubled while methane emissions across the natural gas industry have fallen by nearly 15 percent. Our regulations should not stifle this innovation and progress.”

The changes would amend a previous methane regulation determined under Obama in 2016. That Obama rule estimated that regulation of the gas would save the country nearly \$690 million per year in

social costs. In comparison, the Trump administration's proposal estimates savings of \$97 to \$123 million between 2019 to 2025 for the oil and gas industry.

The Obama-era rule was also designed to reduce 500,000 short tons of methane a year. The latest rule estimates it would reduce 370,000 short tons annually.

Oil and gas companies have largely been in support of regulating methane.

The president of BP America, Susan Dio, called methane regulations "the right thing to do for the planet" in a March op-ed.

The chairwoman said it was "essential" that the EPA regulate the greenhouse gas.

Environmentalists and former agency officials said the rule won't just lead to an increase in harmful methane, but that it could also undermine the EPA's authority to regulate the gas and could block future administrations from taking meaningful action to do so.

"I would say it's a lose-lose-lose. It's a bad environmental outcome, it's a bad outcome for what the industry itself is now saying it needs, and it's pretty much outright sabotage of the EPA's own legal authority and what the Clean Air Act was enacted to accomplish," said Joseph Goffman, who helped develop the Obama-era regulations on methane at EPA and now serves as executive director of the Environmental & Energy Law Program at Harvard Law School.

Critics compared Thursday's proposed rule to the administration's recent replacement of the Obama era Clean Power Plan (CPP), which weakened pollution regulations. Environmental groups have already sued over the rule, but legal experts say a loss on their side could limit the EPA's ability to address climate changing pollution in administrations to come.

"This not only is the Trump EPA abandoning the effort to regulate methane, but it looks like it's going to be propelling a legal theory that will subvert the fundamental authority of the Clean Air Act to regulate it," Goffman said. "It's not just that they're sabotaging climate policy--they're sabotaging the foundation of environmental law itself."

Supporters of the rule unveiled Thursday say it will allow surging oil and gas industry in the U.S. to be more successful. The U.S. in the past year became the top producer of liquid natural gas.

"The United States has become the world's leading oil and natural gas producer, providing affordable, reliable power to families and businesses. But heavy-handed regulations yielding negligible climate benefits threaten the United States' ability to produce affordable energy. The Obama administration's methane regulations were a costly, non-solution in search of a problem," said Thomas Roe, a fellow in energy and environment policy at the Heritage Foundation.

The American Petroleum Institute, a major oil and gas lobby, said Thursday's regulation would leave the sector "effectively regulated."

"We support EPA's efforts to adhere to its statutory obligations under the Clean Air Act," Erik Milito, API's vice president of upstream and industry operations, said in a statement.

Anne Idsal, acting assistant Administrator for EPA's Office of Air and Radiation, estimated that changes to the rule would not stop the current decreasing trend of methane gas in the atmosphere, arguing that industry has an incentive to capture and sell the gas.

"Methane is a valuable resource," she said on a call with reporters, adding that industry was on an upward trend in capturing the gas. "There is every incentive to minimize any fugitive methane emissions, capture it, use it, and sell it down the road."

Janet McCabe, who filled the same role as Idsal under the Obama administration and helped develop the standards the Trump team is now attempting to roll back, though, said the EPA regulations will complicate things for the oil and gas industry.

"This administration is injecting a whole new round of uncertainty cause whatever comes out there will most certainly be litigation" once the rule is finalized, she said. "Companies are planning now want to know if they should invest in certain pieces of equipment."

But she said the agency is wrong to try and favor industry over the need to protect the public and the environment.

"One thing that's been so frustrating with so many proposals that come out of this administration is the EPA is public health agency," McCabe said. "But that's not what you read in these proposals. You read about regulatory relief to business and a real minimizing of the evaluation of the effects they would have on public health."

Last updated at 1:06 p.m.

Houston Chronicle

<https://www.chron.com/business/energy/article/EPA-will-rollback-methane-regulations-sources-say-14398837.php>

EPA proposes rollback of methane regulations

By James Osborne

The Trump administration will roll back Obama-era regulations limiting emissions of the potent greenhouse gas methane from oil and gas wells, even as many within the industry have set reducing those emissions as a goal in fighting climate change.

Under a proposed rule change announced by the Environmental Protection Agency Thursday, oil and gas companies would no longer be required to inspect for methane leaks from existing wells, storage tanks, pipelines and other infrastructure.

EPA Administrator Andrew said the action, "removes unnecessary and duplicative regulatory burdens from the oil and gas industry."

"The Trump Administration recognizes that methane is valuable, and the industry has an incentive to minimize leaks and maximize its use," he added.

U.S. methane emissions have been steadily falling since the 1990s, as oil and gas companies work to minimize losses of natural gas during both oil and gas production through equipment leaks or improperly drilled wells. But considering methane's outsized role in global warming — it's 25 times more powerful than carbon dioxide — the Obama administration reasoned the industry needed to move faster.

The move Thursday marks the latest effort by President Donald Trump to pull back regulations designed to fight climate change, which scientists predict will grow increasingly severe in the decades ahead without a drastic reduction in global emissions.

Already environmental groups are preparing lawsuits, likely setting up a years long legal fight over the federal government's obligation to reduce greenhouse gas emissions.

"The Trump EPA is eager to give the oil and gas industry a free pass to keep leaking enormous amounts of climate pollution into the air," said David Doniger, an attorney at the Natural Resources Defense Council. "If EPA moves forward with this reckless and sinister proposal, we will see them in court."

Methane remains a divisive topic within the oil and gas industry, with larger companies including Exxon Mobil, BP and Royal Dutch Shell voluntarily pledging to reduce methane emissions in the decade ahead. Both BP and Shell released statements Thursday questioning the decision to roll back methane regulations.

"BP has been clear in its position that EPA should directly regulate methane emissions from new and existing sources. We believe this is the most effective way to protect the environment and maximize the benefits of natural gas," said BP America Chairman Susan Dio.

But for smaller oil companies, many of which count fewer than a dozen employees, the requirement that they inspect individual wells with infrared cameras is too onerous, said Lee Fuller, vice president of government affairs at the Independent Petroleum Association of America.

Most affected are so-called stripper wells, which produce less than 10 barrels of crude a day and make up about 80 percent of U.S. wells, he added.

"[Obama's rule] threatens to shut down all those wells," Fuller said, "and that's clearly been the goal of the environmental community through this process."

For the tens of thousands of new oil and gas wells drilled or modified each year, not much is expected to change — at least for now.

A 2012 rule designed to reduce ozone pollution remains on the books, requiring drillers seek out escaping natural gas - the primary component of which is methane - and either store it or flare it.

“Eventually that’s going to get everything,” said Erik Milito, a vice president at the American Petroleum Institute. “It makes more sense instead of blanketing everything when a lot of those [existing] wells are going to go out of production anyway.”

The EPA is currently at work on amending those ozone regulations too, as oil lobbyists argue the required inspections are too frequent and don’t allow them to survey large numbers of well at once with drones or other airborne craft equipped with methane detectors.

Huffington Post

https://www.huffpost.com/entry/trump-methane-epa-rule_n_5d67bd65e4b063c341fbba0e

Trump Administration To Undo Limits On Methane, Ignoring Environmental Concerns

By Nina Golgowski

President Donald Trump’s administration on Thursday reportedly plans to roll back regulation of methane emissions by the oil and gas industry — a major contributor to climate change.

The proposed rule change reflects the Trump administration view that the government overstepped its authority with mandates during the Obama administration that oil and gas companies take steps to repair methane leaks, according to The Wall Street Journal, which first reported the rollback.

“The purpose of this rule is to get to the fundamental basis of whether [methane] should have been regulated in the first place,” Anne Idsal, the acting assistant administrator for the Environmental Protection Agency’s Office of Air and Radiation, told the Journal. “It’s not about whether we’re doing the maximum we can or should do to deal with” climate change.

Idsal added that she doesn’t believe “that there’s going to be some big climate concern here.” Many others — including some oil and gas companies — would disagree.

“This is extraordinarily harmful,” Rachel Kyte, the United Nations special representative on sustainable energy, told The New York Times. “Just at a time when the federal government’s job should be to help localities and states move faster toward cleaner energy and a cleaner economy, just at that moment when speed and scale is what’s at stake, the government is walking off the field.”

The primary component of natural gas is methane, which is odorless when it comes directly out of the gas well.

Oil companies, including Shell, Exxon and BP America, have urged Trump’s administration to maintain or tighten methane regulations — not loosen them, according to the Times.

Other industrial companies have opposed other Trump rollbacks of environmental regulations, including those aimed at curbing pollutants like mercury and auto emissions.

By easing regulations, the Trump administration hopes to boost crude oil and natural gas production, according to the Journal.

Kassie Siegel, director of the Climate Law Institute at the Center for Biological Diversity, slammed the methane rollback as “reckless” and evidence of “complete contempt for our climate” by Trump and his administration.

“The EPA is now so determined to actually increase greenhouse pollution that it’s even shrugging off concerns from oil and gas companies about gutting these protections,” Siegel told The Washington Post. “Fracked gas is a climate killer, and Trump’s rash embrace of this dirty stuff showcases the need for the next president to commit to a rapid phase-out of fossil fuels.”

Los Angeles Times

<https://www.latimes.com/politics/story/2019-08-29/epa-trump-methane-emissions>

EPA plans to abandon regulations on methane emissions, reports say

By Alexa Diaz

The Trump Administration is expected to announce a proposal to ease methane emission regulations in the oil and gas sector on Thursday, according to reports by the Wall Street Journal and the New York Times.

The Environmental Protection Agency will reportedly propose abandoning federal rules that require the oil and gas industry to install technology that monitors and curbs methane leaks in wells, pipelines and other operational facilities. Some major oil and gas companies have opposed the rollback.

Methane is the core component of natural gas and its emissions are a known accelerator of global warming. Leaks that release the powerful greenhouse gas — one that is several times more harmful than carbon dioxide and traps more heat — into the atmosphere have long been a major concern of environmental groups for their plant-warming effects.

The proposal marks President Trump’s latest effort to dismantle Obama-era environmental regulations that were put in place to confront climate change.

The rule would require a period of public comment and review, and would likely be finalized early next year, the New York Times reported.

New York Times

<https://www.nytimes.com/2019/08/29/climate/epa-methane-greenhouse-gas.html>

E.P.A. to Roll Back Regulations on Methane, a Potent Greenhouse Gas

By Lisa Friedman and Coral Davenport

The Trump administration laid out on Thursday a far-reaching plan to cut back on the regulation of methane emissions, a major contributor to climate change.

The Environmental Protection Agency, in its proposed rule, aims to eliminate federal requirements that oil and gas companies install technology to detect and fix methane leaks from wells, pipelines and storage facilities. It will also reopen the question of whether the E.P.A. even has the legal authority to regulate methane as a pollutant.

The rollback is particularly notable because major energy companies have, in fact, spoken out against it — joining the ranks of automakers, electric utilities and other industrial giants that have opposed other administration initiatives to dismantle climate-change and environmental rules. Several of the world's largest auto companies are pushing back against President Trump's plans to let vehicles pollute more, and utilities have opposed the relaxation of restrictions on toxic mercury pollution from coal-burning power plants.

E.P.A. officials said the new rule is a response to Mr. Trump's calls to trim or eliminate regulations that impede economic growth or keep the nation reliant on energy imports.

The plan "delivers on President Trump's executive order and removes unnecessary and duplicative regulatory burdens from the oil and gas industry," said the E.P.A. administrator, Andrew Wheeler. "The Trump administration recognizes that methane is valuable and the industry has an incentive to minimize leaks and maximize its use."

Mr. Wheeler noted that since 1990, natural gas production in the United States has almost doubled while methane emissions across the industry has fallen 15 percent.

Anne Idsal, the agency's acting senior clean-air official, said the rules being eliminated have "minimal environmental benefits."

Environmental advocates described the proposal as a major setback in the effort to fight climate change. Methane is a potent greenhouse gas.

"The Trump E.P.A. is eager to give the oil and gas industry a free pass to keep leaking enormous amounts of climate pollution into the air," said David Doniger, a lawyer with the Natural Resources Defense Council, an advocacy group. "If E.P.A. moves forward with this reckless and sinister proposal, we will see them in court."

Under the proposal, methane, the main component of natural gas, would be only indirectly regulated. A separate but related category of gases, known as volatile organic compounds, would remain regulated under the new rule, and those curbs would have the side benefit of averting some methane emissions. The new rule must go through a period of public comment and review, and would most likely be finalized early next year, analysts said.

Over all, carbon dioxide is the most significant greenhouse gas, but methane is a close second. It lingers in the atmosphere for a shorter period of time but packs a bigger punch while it lasts. By some estimates, methane has 80 times the heating-trapping power of carbon dioxide in the first 20 years in the atmosphere.

Methane currently makes up nearly 10 percent of greenhouse gas emissions in the United States. A significant portion of that comes from the oil and gas industry. Other sources include cattle and agriculture.

The E.P.A.'s economic analysis of the rule estimates that it would save the oil and natural gas industry \$17 to \$19 million a year. For comparison, the annual revenue of the United States oil industry as a whole typically ranges between \$100 billion and \$150 billion.

The methane regulation has been in the administration's cross hairs since Mr. Trump's earliest days in office. In March 2017, Scott Pruitt, then the E.P.A. administrator, tried to suspend the regulation while the agency considered an alternative, but a federal appeals court ruled the move unlawful.

Erik Milito, a vice president at the American Petroleum Institute, a trade group representing the oil and gas industry, praised the new rule, saying, "We think it's a smarter way of targeting methane emissions."

Smaller oil and gas companies have complained to the Trump administration about the Obama rule, saying it is too costly for them to perform leak inspections. But major oil and gas companies have called on the Trump administration to tighten restrictions on methane.

The larger companies have invested millions of dollars to promote natural gas — which produces about half as much carbon dioxide as coal — as a cleaner option than coal in the nation's power plants. They fear that unrestricted leaks of methane could undermine that marketing message, hurting demand.

Exxon wrote to the E.P.A. last year urging the agency to maintain core elements of the Obama-era policy. And earlier this year Gretchen Watkins, the United States chairwoman for Shell, said the E.P.A. should impose rules "that will both regulate existing methane emissions but also future methane emissions."

Susan Dio, the chairwoman and president of BP America, wrote an op-ed article in March saying that regulating methane is the "right thing to do for the planet" and for the natural gas industry. "To maximize the climate benefits of gas — and meet the dual challenge of producing more energy with fewer emissions — we need to address its Achilles' heel and eliminate methane emissions," she wrote.

Ben Ratner, a senior director with the Environmental Defense Fund, a group that works closely with oil companies to track and reduce methane emissions, said that as renewable energy becomes more affordable, it could undercut the industry message that natural gas is a cleaner energy source. "The reputation of American natural gas is at the precipice, and methane rollbacks are the shove," Mr. Ratner said.

Ms. Isdal, the E.P.A.'s acting clean-air chief, said companies that opposed the Trump rollback would be free to keep abiding by the Obama-era rules if they wished. "We don't preclude anybody from going above and beyond if that's what they think they need to do from a business or compliance standpoint," she said.

Newsweek

<https://www.newsweek.com/donald-trump-climate-change-epa-methane-1456824>

Trump Administration Rolls Back Greenhouse Gas Regulations So Far Even Oil Companies Object

By Nicole Goodkind

Just two days after President Donald Trump called himself an "environmentalist," his administration announced a rollback of methane gas emissions regulations so large that even oil companies are objecting to the change.

In the proposed rule change, released by the Environmental Protection Agency Thursday morning, the agency would end a federal regulation that requires gas and oil companies to use technology to inspect for and repair methane leaks in their infrastructure. This would leave large segments of the oil and gas industry entirely uncontrolled with no pollution limits. Methane emissions are known to cause climate change.

The administration estimates that the rollbacks will save the oil and gas industry \$17 to 19 million a year.

But oil and gas bigwigs don't support the change. Susan Dio, the chairwoman and president of BP America, wrote an opinion piece for the Houston Chronicle in March where she claimed it was essential that the EPA regulate methane gasses.

"It's the right thing to do for the planet," she wrote. "The best way to help further reduce and ultimately eliminate methane emissions industry wide is through direct federal regulation of new and existing sources."

ExxonMobil wrote a letter to the EPA last year, asking them to keep methane regulations intact, and Gretchen Watkins, the U.S. chairwoman for Shell, said in March that the EPA should keep rules in place to regulate methane production.

A lot of these executives are focused on regulating future emissions of methane. That's because red tape, or regulatory rules, often work to benefit larger, long standing companies who have the money and infrastructure to abide by them. They work as a natural barrier to keep new upstarts out of the industry. These companies have already spent significant funds putting technology in place to lower their emissions and even more money convincing the American company that natural gas is a good, clean energy alternative.

The administration's new rule change could hurt the entire industry. "The reputation of American natural gas is at the precipice, and methane rollbacks are the shove," Ben Ratner, a senior director with the Environmental Defense Fund, told The New York Times.

But it's likely that smaller companies, however, will benefit, at least temporarily, from this particular rollback. Lee Fuller, executive vice president of the Independent Petroleum Association of America, told the *Times* that while it's easier for large companies to deal with federal regulations simply because they have the money to do so, ordinarily "for these small businesses, it's a very different economic impact."

But the level-field and barriers to entry will now be a bit more even for companies who can't afford large infrastructure or technological changes.

"This proposal is a blatant attempt to give oil and gas companies yet another free pass to release as much harmful air pollution as they want while the public pays the price," Sierra Club Executive Director Michael Brune said in an emailed statement. The cost of climate change is expected to cost the U.S. about \$224 billion more per year by 2090, according to Trump's own EPA.

Methane is the second largest contributor to greenhouse gas emissions in the U.S., after carbon dioxide. Methane makes up about 10 percent of all greenhouse emissions coming out of the country, but initially has about 86 times more power to trap heat in the atmosphere than CO₂.

Politico

<https://www.politico.com/story/2019/08/29/methane-pollution-rule-trump-administration-1692262>

Trump administration to seek rollback of methane pollution rule

By Alex Guillen and Ben Lefebvre

The Trump administration will seek to roll back rules limiting methane pollution from oil and gas production, gutting a regulation put in place under President Barack Obama that was designed to curb emissions of the powerful greenhouse gas.

The move is the latest by the Trump administration to eliminate rules designed to fight climate change despite the rising temperatures that saw July set a record as the hottest month on the books, as Arctic ice melting accelerates and forest fires rage around the globe.

The new proposal set to be released on Thursday by the Environmental Protection Agency is also notable in that it is opposed by many oil and gas producers that is designed to help by easing requirements on leaks of methane, the main component of natural gas, from their oil and gas equipment.

Most global oil and gas companies have requested EPA slow its deregulatory efforts. Major oil companies have promoted natural gas as a clean-burning fuel that can compete with renewable energy sources, and the large companies such as Exxon Mobil and Shell have already launched major efforts to eliminate methane leaks.

"At a time when the oil and gas industry is suffering severe reputation problems, this could be the final blow to the viability of natural gas having any role in the transition to a clean energy economy," said Matt Watson, vice president of energy programs at Environmental Defense Fund, which works with companies in the industry to bring their methane emissions down.

Bottom of Form

"You have these companies that are looking out in the future and wondering what their business model is going to be, and they understand the viability of their product is in question and they're in trouble," he added.

The proposal, which was first reported by the Wall Street Journal, would effectively undo a rule issued by the Obama administration in 2016 that directly regulated methane from newly built oil and gas wells

and other production facilities. Methane is a particularly potent greenhouse gas, one that the industry has sometimes struggled to contain in the pipelines and well sites that have popped up during the shale gas boom.

EPA Administrator Andrew Wheeler previewed Thursday's action in May.

EPA had previously set rules for well emissions of volatile organic compounds, a class of hazardous pollutant whose pollution controls also helped curb methane emissions. But environmentalists said direct regulation of methane was necessary to effectively control a leading source of greenhouse gases, particularly as U.S. natural gas production skyrocketed over the past decade.

The existing 2016 rule's methane requirements applied only to newly built wells, but would have eventually required EPA to regulate the hundreds of thousands of existing wells already drilled around the U.S. The Obama administration had taken early steps toward such a regulation, but former Administrator Scott Pruitt halted that work soon after arriving at EPA in 2017.

The EPA's stance has split the oil and gas industry. Smaller companies complained that the rules impaired their bottom lines. The American Petroleum Institute, a trade association representing the industry, formed a voluntary group of member companies to share best practices to reduce their emissions.

But executives from Shell, BP and Equinor had asked the administration to forgo the rollback, both publicly and in meetings with White House officials. That included most recently talks with the Office of Management and Budget, according to an industry source.

Shell's top executive in the U.S., Gretchen Watkins, said the company would continue efforts to bring its global methane emissions intensity below 0.2 percent by 2025 and cut its net carbon footprint by half by 2050.

"Despite the Administration's proposal to no longer regulate methane, Shell's U.S. assets will continue to contribute to that global target," Gretchen said in a statement to POLITICO. "While the law may change in this instance, our environmental commitments will stand."

Earthjustice attorney Tim Ballo said the environmental group will sue EPA to keep the standards in place once the change is finalized, likely next year.

"The Trump administration is once again putting industry interests over people and public health by gutting these common-sense emission standards," he said. "The rollback would only further exacerbate a climate crisis that is already near a point of no return. We cannot afford to go back."

In 2017, oil and gas sector methane emissions topped 200 million tons of CO₂-equivalent, the same as running 52 coal power plants for a year, according to EPA data.

The oil and gas industry has touted its voluntary efforts to reduce methane pollution. Between 1990 and 2017, natural gas and oil producers reduced their emissions by 13.5 percent while increasing production by more than 50 percent, according to EPA and Energy Information Administration data.

But methane remains a potent driver of near-term warming. And when released via oil and gas production, it is often accompanied by volatile organic compounds, a group of carcinogens and neurotoxins that also help form smog.

The Interior Department has also moved to lift methane restrictions on the oil and gas sector.

Interior already repealed its own "venting and flaring" rule that required oil and gas producers on public lands to capture more of their methane rather than allow it to leak or burn it off in the atmosphere. That rule would have had a more limited impact since it only covered wells on federal lands, while EPA's rule also applied to new wells on private lands.

Reuters

<https://www.reuters.com/article/us-usa-climate-methane/trump-epa-proposes-easing-methane-limits-at-oil-and-gas-operations-idUSKCN1VJ1IU>

Trump EPA proposes easing methane limits at oil and gas operations

By Tim Gardner

The Trump administration on Thursday proposed rescinding Obama-era limits on oil and gas industry emissions of methane, one of the main pollutants scientists link to climate change.

The Environmental Protection Agency (EPA) estimated that easing a 2016 regulation that specifically targeted methane emissions from oil and gas wells, pipelines and storage would save energy companies up to \$123 million through 2025. The plan will undergo a period of public comment before being finalized, and environmental groups pledged court action to try to block repeal of the limits.

The proposal "removes unnecessary and duplicative regulatory burdens from the oil and gas industry," EPA Administrator Andrew Wheeler said.

The EPA said it will keep rules issued in 2012 that limit emissions known as volatile organic compounds that cause smog and also control methane emissions. Anne Idsal, acting assistant administrator for air and radiation at EPA told reporters she expects methane emissions to fall in coming years due to the 2012 rule and because energy companies have an incentive to minimize leaks of methane, which has value as the main component of natural gas.

Environmentalists say energy companies do not always do enough to control leaks, partially because low prices resulting from a natural gas glut sometimes make it cheaper to release the methane.

Some large energy companies including BP favor federal regulation of methane, saying the regulatory certainty is preferable to a patchwork of varying rules by states and legal challenges by environmentalists. BP has said it is already taking steps to limit methane emissions.

The move is President Donald Trump's latest easing of rules designed to curb greenhouse gas emissions, including many put forth by his predecessor, President Barack Obama. Trump, who insists he is an environmentalist, has also relaxed rules on carbon emissions from vehicles and intends to withdraw the United States from the 2015 Paris agreement on climate change.

Concern about climate has spiked amid fires in the Arctic and the Amazon rainforest, the melting of ice in Greenland, and as Hurricane Dorian threatened Florida. Democrats seeking their party's nomination in the 2020 U.S. presidential election will participate in a series of town halls on climate next week.

SEE THEM IN COURTIn 2016, Obama's EPA issued the first rule specifically limiting methane emissions from new oil and gas fracking operations including transport equipment. Thursday's proposal would rescind that and specific regulations on existing sources of methane.

The oil and gas business is the largest single source of methane emissions, a major factor in global warming. The gas has more than 80 times the heat-trapping potential of carbon dioxide in the first 20 years after it escapes into the atmosphere, scientists say.

Susan Dio, chairman and president of BP America, supported federal regulation of methane in an opinion piece in the Houston Chronicle this year calling it the "the best way to help further reduce and ultimately eliminate methane emissions industrywide."

Exxon Mobil also supports federal regulation of methane from oil and gas sources. "We will continue to urge the EPA to retain the main features of the existing methane rule," a company official said. The EPA said some smaller energy companies had a hard time complying with the costs of the rules.

Environmentalists vowed to sue the administration. "We simply cannot protect our children and grandchildren from climate catastrophe if EPA lets this industry off scot-free," said David Doniger, a climate and clean energy specialist at the Natural Resources Defense Council. "If EPA moves forward with this reckless and sinister proposal, we will see them in court."

S&P Global

<https://www.spglobal.com/platts/en/market-insights/latest-news/oil/082919-epas-proposed-rollback-of-methane-regulations-to-impact-marginal-oil-gas-wells>

EPA's proposed rollback of methane regulations to impact marginal oil, gas wells

By Brian Scheid

The Trump administration on Thursday unveiled its proposal to formally rescind federal regulations aimed at limiting methane emissions from oil and gas operations, an effort expected to most impact production from marginal US wells, accounting for roughly one-tenth of domestic oil and gas output.

The US Environmental Protection Agency said Thursday the proposal was eliminating "unnecessary regulatory duplication" created by methane rules finalized in 2016 by the Obama-era EPA.

Analysts said Thursday that the direct impact on US oil and gas production from the rollback was unclear, but an estimated 770,000 low-production wells were at risk of shutdown due to the relatively high costs of methane emissions requirements, according Lee Fuller, an executive vice president with the Independent Petroleum Association of America.

"The impact is more related to the premature loss of existing production," Fuller said Thursday.

Marginal wells, also known as stripper wells, are characterized as producing no more than 15 boe/d over a 12-month period. These wells are often located outside the nation's more prolific shale plays and account for roughly 10% of US oil production and 11% of US gas production, according to the US Energy Information Administration's latest data.

Oil and gas majors, including ExxonMobil, Shell and BP, had pressed the Trump administration to continue to regulate methane emissions from the oil and gas sector, but smaller operators saw the regulations as prohibitively expensive.

"These small business wells are the most economically sensitive in the United States and are already facing economic challenges due to low commodity prices," IPAA said in a statement Thursday.

EPA said Thursday that its proposed rollback will save the US oil and gas industry \$17 million to \$19 million a year through 2025.

Environmental groups are expected to challenge the proposed rollback.

"The Trump EPA is eager to give the oil and gas industry a free pass to keep leaking enormous amounts of climate pollution into the air," said David Doniger, a senior strategic director with the Natural Resources Defense Council. "If EPA moves forward with this reckless and sinister proposal, we will see them in court."

In a statement, Mark Watson, a vice president with the Environmental Defense Fund, called the proposal "an attempt to dodge the agency's legal duty to regulate existing sources in the oil and gas sector."

Nearly a year ago, the Interior Department finalized a rule rolling back some of the requirements for methane emissions from oil and gas operations on federal lands. Environmental groups have sued Interior claiming the agency illegally rescinded these requirements.

SOURCES, INTERPRETATIONS

EPA's proposal unveiled Thursday has multiple parts, but largely defers regulation on methane emissions to states.

First, it proposes removing transmission compressor stations, pneumatic controllers, and underground storage vessels from federal regulation.

"The agency is proposing that the addition of these sources to the 2016 rule was not appropriate, noting that the agency did not make a separate finding to determine that the emissions from the transmission and storage segment of the industry causes or significantly contributes to air pollution that may endanger public health or welfare," EPA said in a statement.

Second, the EPA proposes rescinding methane emissions limits from the production and processing segments of the oil and gas industry, including well completions, pneumatic pumps and controllers, gathering and boosting compressors, natural gas processing plants and storage tanks. EPA would maintain emissions limits for volatile organic compounds, also known as VOCs, instead.

"The controls to reduce VOCs emissions also reduce methane at the same time, so separate methane limitations for that segment of the industry are redundant," EPA said.

EPA is also proposing an alternative which would rescind the methane emissions limits, but would not remove transmission and storage sources from regulation and is considering alternative interpretations of the agency's authority to regulate pollutants under the Clean Air Act, the agency said.

U.S. News & World Report

<https://www.usnews.com/news/politics/articles/2019-08-29/trumps-epa-proposes-roll-back-on-methane-emissions-regulations>

EPA Proposes Rollback on Methane Emissions Regulations

By Cecelia Smith-Schoenwalder

THE ENVIRONMENTAL Protection Agency on Thursday announced a plan that will weaken regulations of methane emissions.

The proposed rule would lessen federal requirements for technology that monitors methane leaks from the oil and gas industry, which is the largest methane emissions source in the country. According to the EPA, the proposal will save the oil and gas industry \$17 to \$19 million a year.

Methane, which is the principal component of natural gas, can be released into the atmosphere through pipeline and storage facility leaks.

EPA Administrator Andrew Wheeler argued that because methane is valuable to the oil and gas sector, companies already have an incentive to stop leaks.

Methane is a greenhouse gas, which means it absorbs heat from the sun and warms the atmosphere. Behind carbon dioxide, it is the second largest contributor to climate change. According to the Environmental Defense Fund, it is responsible for 25% of the warming the Earth is currently experiencing.

Acting Assistant Administrator for the EPA's Office of Air and Radiation Anne Idsal said that the proposal would get rid of "inappropriate regulatory duplications" from the Obama administration that have "just minimal environmental benefits."

The agency previously tried to target the 2016 performance standards rule by proposing to halt its enforcement while it was considering repealing or replacing it, but a federal court stopped the effort.

The American Petroleum Institute said the industry will continue to be "effectively regulated" under the proposal.

"The oil and natural gas industry is laser-focused on cutting methane emissions through industry initiatives, smart regulations, new technologies, and best practices," API's Vice President of Upstream and Industry Operations Erik Milito, said in a statement. He added that continued regulation of volatile organic compounds will also help keep methane emissions down.

However, Shell and other major oil and natural gas companies have indicated they support federal regulation of methane emissions. Shell U.S. President Gretchen Watkins told The Washington Post on Thursday that the company will stick to its own plan to lessen methane leaks.

"We believe sound environmental policies are foundational to the vital role natural gas can play in the energy transition and have made clear our support of 2016 law to regulate methane from new and modified onshore sources," Watkins said. "Despite the administration's proposal to no longer regulate methane, Shell's U.S. assets will continue to contribute to that global target."

Idsa said the proposal will also affect small and mid-size companies and added that the agency does not stop anyone from "going above and beyond" the regulations.

The proposal angered green groups, which called it a "free pass" to oil and gas companies.

"This proposal is a blatant attempt to give oil and gas companies yet another free pass to release as much harmful air pollution as they want while the public pays the price," Michael Brune, the executive director of the Sierra Club, said in a statement.

The Natural Resources Defense Council threatened to sue.

"The Trump EPA is eager to give the oil and gas industry a free pass to keep leaking enormous amounts of climate pollution into the air," David Doniger, senior strategic director of climate and clean energy at the council said in a statement. "We simply cannot protect our children and grandchildren from climate catastrophe if EPA lets this industry off scot-free. If EPA moves forward with this reckless and sinister proposal, we will see them in court."

Once the proposed rule is published in the Federal Register, the public will have 60 days to comment. The agency will also hold a public hearing on the proposal in Texas, though that date has not been set.

Vice News

https://www.vice.com/en_us/article/j5ym38/the-epa-is-deregulating-one-of-the-most-climate-destroying-greenhouse-gases

The EPA Is Deregulating One of the Most Climate-Destroying Greenhouse Gases

By Brendan O'Connor

The world is on fire, all the ice is melting, and the Trump administration wants to turn up the heat.

On Thursday, the Wall Street Journal reported, the Environmental Protection Agency will announce a new plan to deregulate methane emissions by the fossil fuel industry. The EPA's plan continues the rollback of moderate Obama-era policies, eliminating requirements that the industry monitor and limit methane leaks from newly constructed wells, tanks, and pipelines; it would also pause efforts to regulate existing sites.

While methane, the primary ingredient in natural gas, only accounts for 10 percent of U.S. greenhouse emissions, it is around 25 times more potent than carbon dioxide, meaning that it heats the atmosphere significantly more quickly than CO₂. (Some scientific estimates indicate that it is about 80 times more potent than CO₂ in the two decades after it first enters the air, though it doesn't stick around as long.) According to the American Meteorological Society, record levels of greenhouse gases were released in 2018, and a NASA study released in January found that the contribution of fracking to a recent spike in methane levels was "substantially larger" than previously thought; likewise, a Cornell University study released earlier this month found the "chemical fingerprints" of fracking all over the methane spike.

Not that any of this has deterred the Trump administration. "The purpose of this rule is to get to the fundamental basis of whether [methane] should have been regulated in the first place," Anne Idsal, the acting assistant administrator for the Environmental Protection Agency's Office of Air and Radiation, told the Journal. "It's not about whether we're doing the maximum we can or should do to deal with" climate change, she continued. "I don't see that there's going to be some big climate concern here."

And why would she? In 2017, Idsal, who comes from a very well-connected political family in Texas, told the Texas Observer that the climate "has been changing since the dawn of time, well before humans ever inhabited the Earth." It's possible that human activity has had "some type of impact on climate change," she said. "I just don't know the extent of that." In this, she was echoing Andrew Wheeler, current head of the EPA and a former lobbyist for Murray Energy, the largest private coal company in the country. "I believe that man has an impact on the climate, but what's not completely understood is what the impact is," he said during his confirmation hearing.

The industry response to the Trump administration's methane deregulation has been mixed. Massive lobbying groups like the American Petroleum Institute and smaller oil and gas companies welcome the change, the New York Times reported, while large companies like Exxon Mobil, Royal Dutch Shell, and BP are more ambivalent—likely not out of any great concern for the millions of people displaced by rising sea levels, droughts, and rampant wildfires, but rather out of fear that deregulation could undermine efforts to market methane and natural gas as a cleaner energy source than coal or oil. How very humanitarian of them.

The Wall Street Journal

<https://www.wsj.com/articles/energy-companies-set-to-get-reprieve-on-methane-rules-11567051201?mod=rsswn>

Energy Companies Set to Get Reprieve on Methane Rules

By Tim Puko

The Trump administration is moving to erase Obama-era rules on methane emissions from the oil-and-gas business, saying the federal government overstepped its authority when it set limits on what scientists say is a significant contributor to climate change.

The sweeping proposal, formally introduced Wednesday, is the administration's latest attempt to further boost record crude-oil and natural-gas production by easing regulations. But it comes amid growing concerns over how the industry's methane emissions are affecting the climate and stark divisions among companies over whether to regulate them.

"The purpose of this rule is to get to the fundamental basis of whether [methane] should have been regulated in the first place," said Anne Idsal, the acting assistant administrator for the Environmental Protection Agency's Office of Air and Radiation, referring to the proposed rollback. "It's not about whether we're doing the maximum we can or should do to deal with" climate change.

"I don't see that there's going to be some big climate concern here," Ms. Idsal added.

The vast majority of climate research identifies human-caused emissions as the primary driver of climate change, most commonly through carbon-dioxide emissions from sources including factories, planes and cars. But methane, which accounts for about 10% of U.S. greenhouse-gas emissions, is about 25 times more potent than carbon dioxide in trapping the earth's heat, according to estimates used by the EPA. Its figures show the oil-and-gas industry has long been the nation's largest emitter of methane, even before discoveries in shale and fracking led to a wave of new drilling.

The proposed plan would do away with Obama-era requirements for the industry to install technologies that monitor and limit leaks from new wells, tanks and pipeline networks and to more frequently inspect for leaks.

It would also forestall legal requirements that would have forced the EPA to set rules on emissions from thousands of pre-existing wells and industry sites.

Some companies have asked for the rollback, while others, including Exxon Mobil Corp. and Royal Dutch Shell PLC, have warned the Trump administration that a lack of government-backed minimum requirements to curb emissions could undermine the argument that natural gas is a cleaner fuel. They also say legal wrangling could lead to years of uncertainty before deregulation would lower costs.

The American Petroleum Institute, which represents hundreds of companies, has diverged from those major producers and has pressed the administration to stop the direct regulation of methane emissions. It has instead touted a voluntary program under which companies commit to more inspections and to replacing or retrofitting old control systems.

Both API and EPA officials say the industry has an incentive to limit emissions because it can sell the gas it traps. They note the industry's methane emissions, by EPA calculations, have ticked down in recent years even as oil-and-gas production has skyrocketed.

"Nothing stops [companies] from taking whatever voluntary measures they think is appropriate to deal with those concerns," Ms. Idsal said. "Our job at the EPA is to regulate in a legally and scientifically responsible manner."

President Trump has called climate change a hoax. His appointees say the Clean Air Act is limited in the authority it gives to set climate policy. The new proposal is a win for business interests that have lobbied to curb such federal authority.

The proposal's publication in the Federal Register starts the clock on a 60-day public-comment period, which then would likely be followed by a lengthy Trump administration review. The administration aims to finalize the rules in 2020, the last year of Mr. Trump's term.

The proposed rollback is likely to draw protests from environmental groups and will probably face legal challenges, opening the door to years of uncertainty about if and how the government will regulate methane.

Methane is the primary component of natural gas, which is rising in use globally to heat homes and fuel power plants. It burns more cleanly than coal and oil but can be harder to control. The production and transport of methane involves millions of miles of pipelines, and the gas often leaks through the network's innumerable joints and vents. That adds methane to the heat-trapping gases in the atmosphere.

Before it is burned, methane is so potent that the Environmental Defense Fund, a nonprofit that often collaborates with industry partners, estimates its emissions cause about a quarter of the planet's warming even though by volume it represents only about 15% of all greenhouse-gas emissions, according to EPA figures. A Wall Street Journal analysis recently found the U.S. oil-and-gas industry's methane emissions alone were the equivalent to the greenhouse-gas emissions from more than 69 million cars, or about one-fourth of all cars registered in the U.S.

The industry leaks about 2.3% of all the natural gas it produces, according to a series of studies finished last year and led by the Environmental Defense Fund. It suggested initial efforts to study methane emissions had far underestimated them by missing large, unplanned leaks, especially from storage tanks and processing plants. At that rate, these emissions would largely negate any climate benefits from an ongoing shift to gas as a replacement for carbon-intensive energy from coal, according to the analysis.

"Without nationwide methane regulation, industry is only as strong as its weakest link," Ben Ratner, a senior director who works with companies on methane reduction at the Environmental Defense Fund, wrote in a March blog post advocating for federal regulation.

The Trump administration proposal would remove storage tanks, pipelines and other transmission infrastructure from any greenhouse-gas regulation.

EPA policy has long classified them as a separate business from oil-and-gas production, the proposal says. The Trump administration claims its predecessors erred in evaluating and regulating production

and transmission together. Once separated, neither branch of the oil industry produces enough methane emissions on its own to merit federal oversight, administration officials said.

The EPA does plan to keep requirements at new production sites to cut emissions of volatile organic compounds—smog-forming pollutants. While the agency doesn't have exact estimates, officials expect limits on those compounds would also help reduce the vast majority of methane emissions at drilling sites, Ms. Idsal said. "Separate methane limitations for these segments of the industry are redundant," the proposal says.

Washington Examiner

<https://www.washingtonexaminer.com/policy/energy/daily-on-energy-epa-wont-regulate-methane-in-latest-obama-climate-regulation-rollback>

Daily on Energy: EPA won't regulate methane in latest Obama climate regulation rollback

By Josh Siegel

EPA WON'T REGULATE METHANE IN LATEST OBAMA CLIMATE REGULATION ROLLBACK: The Environmental Protection Agency proposed a rule Thursday that would eliminate the direct federal regulation of methane emissions from oil and gas operations, a major rollback of an Obama administration policy to combat climate change.

Methane, the main component of natural gas, is more potent than carbon dioxide, although its emissions don't last as long in the atmosphere.

Methane currently makes up nearly 10% of greenhouse gas emissions in the U.S., a significant portion of which comes from leaks of methane that occur in the drilling, transport, and storage of natural gas.

What the rule does: The Trump administration rule would reverse regulations imposed by the Obama administration in 2016 requiring oil and gas companies to install technologies to inspect and repair wells, pipelines, and storage facilities that leak methane, which can happen purposely or accidentally during the production and transmission of gas.

It would keep emissions limits for a related category of pollutants from gas called volatile organic compounds, which could prevent some methane emissions. The regulation applies to new oil and gas equipment, but it also precludes the EPA from regulating existing sources.

EPA says its proposal would save the oil and natural gas industry \$17 to \$19 million a year from 2019 through 2025.

"This is a very important step for removing inappropriate regulatory duplication," said Anne Idsal, the acting assistant administrator for the EPA's Office of Air and Radiation, in a press call with reporters.

Some major companies don't want this: The move is likely to split the oil and gas industry, with some major companies warning the Trump administration that limiting federal oversight over methane leaks damage the industry's attempt to sell gas as a "fuel of the future" rather than one that is phased out over coming decades as part of aggressive climate change regulations.

Some individual companies, such as Shell, BP, and Exxon have urged the EPA to keep Obama-era regulations targeting methane leaks, instead of weakening them.

But the oil and gas industry's main trade group, the American Petroleum Institute, favors less direct federal regulation over methane, and prefers voluntary initiatives to limit leaks, arguing the industry is self-motivated to control methane emissions because leaks remove product that can be sold for profit.

"The oil and natural gas industry is laser-focused on cutting methane emissions through industry initiatives, smart regulations, new technologies, and best practices," said Erik Milito, API's vice president of upstream and industry operations.

API released its first progress report last month on a voluntary program it started with 27 oil and gas companies in 2017 called The Environmental Partnership, finding that companies conducted more than 156,000 leak surveys in 2018 across more than 78,000 production sites, finding a "leak rate" of only 0.16%.

The problem with voluntary actions: But studies have shown leak rates — which are tricky to measure given methane is invisible to the naked eye — are higher than federal estimates.

A study from the journal Science last year found methane from oil and gas was leaking at a 2.3% rate, with emissions 60% higher than previous EPA estimates.

Groups such as the Environmental Defense Fund that cooperate with industry to invest in technological research to better detect methane leaks say the current voluntary approach is insufficient. Ben Ratner, an EDF senior director who studies methane, told me that API's voluntary program includes only 1% of America's oil and gas producers, although they represent a larger amount of market share given the participation of larger companies.

"This methane rollback shows the administration is catering to the worst actors in industry who aren't willing to lift a finger to make a reduction in their emissions," Ratner said. "The problem is the industry is only as strong as its weakest link. There is such fragmentation in America's oil and gas industry right now, and without a level playing field and requirements in bringing everyone along, the problem won't be solved."

Ratner disagrees with API's argument that a federal regulation would disadvantage smaller companies that don't have expertise in limiting methane leaks, but benefit from information-sharing for techniques to reduce emissions through voluntary programs.

"It's absurd to think America's rugged small oil and gas producers can withstand the boom and bust cycle, but not afford twice a year inspections of their facilities," he said. "It doesn't add up."

Washington Post

<https://www.washingtonpost.com/climate-environment/2019/08/29/trump-administration-reverse-limits-methane-powerful-greenhouse-gas/>

Trump administration to reverse limits on methane, a powerful greenhouse gas

By Juliet Eilperin and Brady Dennis

The Environmental Protection Agency announced Thursday that it plans to loosen federal rules on methane, a powerful greenhouse gas linked to climate change.

The proposed rule would reverse standards enacted under President Barack Obama that required oil and gas operators to prevent the release of methane in new drilling wells, pipelines and storage facilities. It also challenges the notion that the federal government has the authority to regulate methane without first making a detailed determination that it qualifies as a pollutant under the Clean Air Act.

If successful, that change could hamper the ability of future administrations to enact tougher restrictions on methane. Already, the Trump administration has taken several steps to limit the government's ability to regulate other greenhouse gases in the future, including in a recently finalized rule curbing carbon dioxide emissions from power plants.

"EPA's proposal delivers on President Trump's executive order and removes unnecessary and duplicative regulatory burdens from the oil and gas industry," EPA Administrator Andrew Wheeler said in a statement. "The Trump administration recognizes that methane is valuable, and the industry has an incentive to minimize leaks and maximize its use."

Methane is a significant contributor to the world's greenhouse gas emissions, though it is shorter-lived than carbon dioxide and is not emitted in amounts as large. It often is leaked as companies drill for gas and transport it across the country, and methane emissions are more than 80 times as potent as carbon dioxide emissions over the short term.

Scientists have projected that the world needs to cut its overall greenhouse gas emissions nearly in half by mid-century to avert catastrophic effects from global warming.

According to the EPA, methane accounted for more than 10 percent of all U.S. greenhouse gas emissions from human activities as recently as 2017. Nearly a third of those emissions were generated by the natural gas and petroleum industry.

"What they're tackling is whether methane can lawfully be a regulatory pollutant," Erik Milito, vice president of upstream and industry operations for the American Petroleum Institute, said in an interview. "We have a strong consensus that federal agencies need to follow the letter of the law. They did not do that, and they are going back and correcting that."

Anne Idsal, assistant administrator of the EPA's Office of Air and Radiation, said the administration is confident that methane emissions from oil and gas companies will continue to decline over time, even without the current regulations.

"Methane is a valuable resource," Idsal told reporters in a call Thursday. "There's every incentive for industry to minimize any type of fugitive methane emissions, capture it, use it and sell it down the road."

The agency estimates that the proposed changes, which will be subject to public comment for 60 days after they are published, would save the oil and natural gas industry \$17 million to \$19 million a year.

But several of the world's biggest fossil fuel companies, including Exxon, Shell and BP, have opposed the rollback and urged the Trump administration to keep the current standards in place. Collectively, these firms account for 11 percent of America's natural gas output.

In a statement Thursday, Shell U.S. President Gretchen Watkins reiterated the company's support for national limits on methane, noting that Shell has pledged to reduce its methane leaks from its global operations to less than 0.2 percent by 2025.

"We believe sound environmental policies are foundational to the vital role natural gas can play in the energy transition and have made clear our support of 2016 law to regulate methane from new and modified onshore sources," she said. "Despite the administration's proposal to no longer regulate methane, Shell's U.S. assets will continue to contribute to that global target."

The Wall Street Journal first reported news of the rollback.

Idsal said the agency will continue regulating volatile organic compounds, which are also released during oil and gas operations, rather than methane directly. Such limits could cut down on the amount of methane released in the process. Milito noted that by 2023, 90 percent of oil and gas facilities will have to install technology curbing volatile organic compounds.

In September, the Interior Department eased requirements that oil and gas firms operating on federal and tribal land capture the release of methane.

Environmentalists threatened to fight the Trump administration's move in court.

Kassie Siegel, director of the Climate Law Institute at the Center for Biological Diversity, an advocacy group, called the proposal reckless, saying it shows "complete contempt for our climate." She said that even the Obama administration's efforts to limit methane emissions were modest, given the significant amount that escapes into the atmosphere each year.

"The Obama rule was like a Band-Aid on a gaping wound," Siegel said. "The Trump administration is so fanatical that they couldn't even live with the Band-Aid. They had to rip off the Band-Aid."

The Obama administration's push to impose the first limits on methane emissions from the oil and gas industry in 2016 came shortly after the EPA found that emissions were on an upswing at a time when booming U.S. shale oil and gas drilling had dramatically driven down the prices of domestic natural gas and global oil alike.

Ben Ratner, a senior director at the advocacy group Environmental Defense Fund, said in an interview that rolling back the regulations could reward bad actors in the industry. Given that many major players had embraced limits on methane, Ratner said, it made little sense for Trump officials to ease such restrictions.

“It’s more of an ideological reaction to regulation of any climate pollutant by the federal government,” he said.

Steven Mufson contributed to this report.

Message

From: McFaul, Jessica [mcfaul.jessica@epa.gov]
Sent: 8/23/2019 7:06:43 PM
Subject: WEEK OF AUGUST 26 – EPA COMMUNICATIONS

Importance: High

DRAFT-DELIBERATIVE/SUBJECT TO CHANGE

MESSAGE OF THE WEEK: WINNING THROUGH COLLABORATION

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-
-

Ex. 5 Deliberative Process (DP)

RELEASES/STATEMENTS/ADVISORY/OPINION

-
-
-
-
-

Ex. 5 Deliberative Process (DP)

INTERVIEWS

- None scheduled

AAW SPEAKING ENGAGEMENTS

- None scheduled

SOCIAL MEDIA*

<i>Monday</i>	<i>Tuesday</i>	<i>Wednesday</i>	<i>Thursday</i>	<i>Friday</i>	<i>Saturday</i>	<i>Sunday</i>
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Ex. 5 Deliberative Process (DP)

*Posts on flagship EPA and Administrator Wheeler accounts (Twitter, Facebook, Instagram, Linked In, You Tube)

Programs and Regions are encouraged to share as applicable to your audiences. (T) = tentative

REGIONAL ANNOUNCEMENTS

Ex. 5 Deliberative Process (DP)

UPCOMING EVENTS OR PROJECTS

Ex. 5 Deliberative Process (DP)

COMMUNICATIONS RESOURCES

- AP Stylebook (public affairs staff writing for media): <https://www.apstylebook.com/epa/>
- EPA Stylebook (i.e. Agency Branding): <https://www.epa.gov/stylebook>

Jessica McFaul
Senior Advisor for Strategic and Regional Communications
Office of the Administrator, Office of Public Affairs
U.S. Environmental Protection Agency
mcfaul.jessica@epa.gov
Desk: 202-564-6429
Cell: Ex. 6 Personal Privacy (PP)

Message

From: Ross, David P [ross.davidp@epa.gov]
Sent: 10/11/2019 5:27:11 PM
To: **Ex. 6 - Administrator**
Subject: Fwd: This morning...

Administrator,

I understand the teams may have passed on some talking points earlier today for an early deadline for your book, but I'm just catching up on some. My feedback on this one in particular I wanted to pass on, so please forgive the internal deliberations below. My paragraph immediately below is the key message on why our proposal begins to help us identify the next Flint or Newark before it happens.

Dave

Sent from my iPad

Begin forwarded message:

From: "Ross, David P" <ross.davidp@epa.gov>
Date: October 11, 2019 at 12:16:47 PM CDT
To: "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>
Cc: "Schiermeyer, Corry" <schiermeyer.corry@epa.gov>, "Abboud, Michael" <abboud.michael@epa.gov>, "McFaul, Jessica" <mcfaul.jessica@epa.gov>, "Beach, Christopher" <beach.christopher@epa.gov>, "Woods, Andrea" <Woods.Andrea@epa.gov>, "Dennis, Allison" <Dennis.Allison@epa.gov>, "Wadlington, Christina" <Wadlington.Christina@epa.gov>
Subject: Re: This morning...

The is good, but I think we can do better on the second question.

Ex. 5 Deliberative Process (DP)

Thanks.

Sent from my iPad

On Oct 11, 2019, at 11:14 AM, Drinkard, Andrea <Drinkard.Andrea@epa.gov> wrote:

One more edit in red for your consideration.

From: Drinkard, Andrea
Sent: Friday, October 11, 2019 12:05 PM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Cc: Ross, David P <ross.davidp@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Wadlington, Christina <Wadlington.Christina@epa.gov>
Subject: RE: This morning...

Hi Corry,

Here's my portion. I'm adding OW. Dave has not had a chance to review, but I'm sending it to you so you have for your noon deadline.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Talking Points (Note: A fact sheet is forthcoming from OW with additional information.)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>

Sent: Friday, October 11, 2019 9:31 AM

To: Abboud, Michael <abboud.michael@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>

Subject: This morning...

We need answers to these Qs...The attached doc should have all we need to answer...the assigned Qs are color coded...need this NLT noon as I will need to combine, format and get to Aaron and Alana for the book. The questions doc is also attached...feel free to use it and send back to me w/ answers. Thank you!

Yellow: Corry

Teal: Chris

Gray: Andrea D

Purple: Jess

Red: Michael

Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

Corry Schiermeyer
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
Schiermeyer.corry@epa.gov
202-564-6782

Message

From: Beach, Christopher [beach.christopher@epa.gov]
Sent: 9/13/2019 1:21:06 PM
To: Ex. 6 - Administrator
CC: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Subject: RE: press release for approval

Thanks very much.

From: Ex. 6 - Administrator
Sent: Friday, September 13, 2019 9:21 AM
To: Beach, Christopher <beach.christopher@epa.gov>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: Re: press release for approval

Looks good

Sent from my iPhone

On Sep 13, 2019, at 9:15 AM, Beach, Christopher <beach.christopher@epa.gov> wrote:

Sir, this is slated to go out today. If you're able, could you review your quote below? Thank you.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Argued April 1, 2019

Decided August 20, 2019

No. 18-1085

CALIFORNIA COMMUNITIES AGAINST TOXICS, ET AL.,
PETITIONERS

v.

ENVIRONMENTAL PROTECTION AGENCY AND ANDREW
WHEELER, ADMINISTRATOR, U.S. ENVIRONMENTAL
PROTECTION AGENCY,
RESPONDENTS

AIR PERMITTING FORUM, ET AL.,
INTERVENORS

Consolidated with 18-1095, 18-1096

On Petitions for Review of Action of the
United States Environmental Protection Agency

Sanjay Narayan argued the cause for Environmental Petitioners. With him on the briefs were *James S. Pew*, *Tomás E. Carbonell*, *Vickie Patton*, *Surbhi Sarang*, *John Walke*, *Emily Davis*, *Thomas Zimpleman*, and *Keri N. Powell*.

Kavita P. Lesser, Deputy Attorney General, Office of the Attorney General for the State of California, argued the cause

for petitioner State of California. With her on the briefs were *Xavier Becerra*, Attorney General, *David A. Zonana*, Deputy Attorney General, and *Jonathan Wiener*, Deputy Attorney General.

Eric Grant, Attorney, U.S. Department of Justice, argued the cause for respondents. On the brief were *Jeffrey Bossert Clark*, Assistant Attorney General, *Jonathan D. Brightbill*, Deputy Assistant Attorney General, and *Scott Jordan*, Attorney, U.S. Environmental Protection Agency.

Shannon S. Broome argued the cause for intervenors-respondents Air Permitting Forum, et al. With her on the briefs were *Charles H. Knauss*, *Leslie Sue Ritts*, *Makram B. Jaber*, and *Andrew D. Knudsen*.

David M. Friedland, *Leslie A. Hulse*, *Felicia H. Barnes*, *Steven P. Lehotsky*, *Michael B. Schon*, and *amici curiae* American Chemistry Council, et al. in support of respondents.

Before: ROGERS and WILKINS, *Circuit Judges*, and SILBERMAN, *Senior Judge*.

Opinion for the Court filed by *Circuit Judge* WILKINS.

Dissenting Opinion filed by *Circuit Judge* ROGERS.

This case asks us to determine the nature of an agency action, an inquiry that – paradoxically – is quotidian but abstruse. When we are confronted with agency action, the litany of questions is by now very well-rehearsed: Is it final? Is it ripe? Is it a policy statement? Is it an interpretive rule? Is it a legislative rule? Despite the clarity of these questions, however, predictable answers have eluded courts and commentators. *See, e.g., Perez v. Mortg. Bankers Ass’n*, 135

S. Ct. 1199, 1204 (2015) (describing the question of how to distinguish between legislative and interpretive rules as “the source of much scholarly and judicial debate”); *Ticor Title Ins. Co. v. FTC*, 814 F.2d 731, 745 (D.C. Cir. 1987) (opinion of Williams, J.) (characterizing the law governing finality and ripeness as “chaotic”); Ronald M. Levin, *Rulemaking and the Guidance Exemption*, 70 ADMIN L. REV. 264, 348 (2018) (“The standard view among commentators is that [distinguishing between legislative and nonlegislative rules] is exceptionally perplexing and incoherent.”). Indeed, the nature of agency action, it seems, is too often in the eye of the beholder. We resolve the instant matter, therefore, with our eye toward the “continuing project” of clarifying this “byzantine” area of the law. *Nat’l Min. Ass’n v. McCarthy*, 758 F.3d 243, 246 (D.C. Cir. 2014).

The agency action before us is a 2018 memorandum (“Wehrum Memo”) that William L. Wehrum, Assistant Administrator for the Environmental Protection Agency’s (“EPA”) Office of Air and Radiation, issued to all Regional Air Division Directors. The Wehrum Memo declares that the plain language of § 112 of the Clean Air Act (“Act” or “CAA”), 42 U.S.C. § 7412, *compels* the conclusion that a source of toxic emissions classified as “major” can reclassify to an “area source,” and thereby ease its regulatory burden, at any time after it limits its potential to emit to below the major source threshold. J.A. 1. The Wehrum Memo states that it supersedes a prior 1995 EPA memorandum (“Seitz Memo”) issued by John Seitz, then Director of EPA’s Office of Air Quality Planning and Standards, which interpreted § 112 to mean that once EPA classifies a source as major, that source can never reclassify to area source status, even if it limits its potential to emit to below the major source threshold. *Id.*

Petitioners are the State of California and a group of environmental organizations whose citizens and members, respectively, breathe the air in the vicinity of regulated sources. EPA is the Respondent, and a group of industry organizations have joined as Intervenor. Petitioners contend that we can and should review the Wehrum Memo because it is final agency action and prudentially ripe. Moreover, Petitioners argue, the Wehrum Memo is a legislative rule, and it is therefore procedurally defective under the Administrative Procedure Act (“APA”), 5 U.S.C. § 551 *et seq.*, because EPA failed to provide notice and comment before issuing it, *see id.* § 553. But even if we hold that the Wehrum Memo is an interpretive rule (for which notice and comment is not required, *see id.*), Petitioners contend that we still must vacate it because EPA’s interpretation of § 112 is incorrect. Respondent and Intervenor retort that this Court lacks jurisdiction over the Wehrum Memo because it is not final agency action. Alternatively, they argue, we should not review it because it is not prudentially ripe. If, however, we find the Wehrum Memo final and ripe, Respondent and Intervenor assert, we must deny the petitions because it is an interpretive rule and is thus procedurally sound, and its interpretation of § 112 is correct.

For the reasons explained herein, we hold that the Wehrum Memo is not final agency action, and we dismiss the petitions for lack of subject matter jurisdiction under the Act. We express no opinion as to whether the Wehrum Memo is prudentially ripe, an interpretive rule or a legislative rule, or on the merits of its interpretation of § 112. In holding that the Wehrum Memo is not final, we emphasize two points. First, when assessing the nature of an agency action (including whether it is final), courts should resist the temptation to define the action by comparing it to superficially similar actions in the caselaw. Rather, courts should take as their NorthStar the unique constellation of statutes and regulations that govern the

action at issue. Second, although all legislative rules are final, not all final rules are legislative, and the finality analysis is therefore distinct from the test for whether an agency action is a legislative rule.

I.

Because they share a progenitor, a reliable approach to understanding a James Baldwin novel is to compare it, according to a set of criteria, to another work in his oeuvre. Indeed, a thematic reading of *Giovanni's Room* is sure to inform such a reading of *The Fire Next Time*, and vice versa. Not so, however, with respect to the broad set of phenomena we categorize as agency action. Because few, if any, of them are governed by the exact same combination of statutes and regulations, it is a mistake to assume – even if they appear facially similar – that they can lend each other definition through comparison, or that they are decipherable under a common rubric. Rather, to ascertain the nature of an agency action, courts should ground the analysis in the idiosyncratic regime of statutes and regulations that govern it. We have great sympathy for the desire to develop a one-size-fits-all heuristic. *See, e.g., Nat'l Min.*, 758 F.3d at 251 (“ . . . all relevant parties should instantly be able to tell whether an agency action is a legislative rule, an interpretive rule, or a general statement of policy . . . ”). But this desire is perhaps misplaced, since, as we once said of interpretation itself, agency action is “a chameleon that takes its color from its context.” *American Min. Congress v. EPA*, 995 F.2d 1106, 1111 (D.C. Cir. 1993).

Accordingly, we turn first to the CAA provisions and EPA regulations that govern the Wehrum Memo.

Congress enacted the CAA, 42 U.S.C. § 7401 *et seq.*, to “protect and enhance the quality of the Nation’s air

resources” *Id.* § 7401(b)(1). Toward this end, § 112 requires EPA to regulate “Hazardous Air Pollutants,” *i.e.* toxic emissions such as chloroform. *Id.* § 7412. Congress established an initial list of hazardous air pollutants, *id.* § 7412(b)(1), but the Act requires EPA to curate it, deleting or adding hazardous air pollutants over time according to certain criteria, *id.* § 7412(b)(2)-(3). Based on this list, the Act mandates EPA to create a second list of categories of sources of hazardous air pollutants, *id.* § 7412(c), like asphalt processing plants and industrial dry-cleaning facilities, *see Revision of Source Category List under Section 112 of the Clean Air Act*, 70 Fed. Reg. 37819-01 (June 30, 2005). Importantly, the Act distinguishes between “major” and “area” sources. *Id.* § 7412(a)(1)-(2). According to the Act’s definitional provisions, a major source means any source within a listed category that “emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any [listed hazardous air pollutant] or 25 tons per year or more of any combination of [listed hazardous air pollutants].” *Id.* § 7412(a)(1). Area source means “any stationary source of [hazardous air pollutants] that is not a major source.” *Id.* § 7412(a)(2).

Whether EPA classifies a source as major or area has major consequences for both sources of hazardous air pollutants, which must comply with emissions standards, and regulatory beneficiaries, who live, work, recreate – and thus regularly breathe the air – near sources of hazardous air pollutants. For major sources, the Act requires EPA to establish stringent emissions caps that result in “the maximum degree of reduction in emissions . . . (including a prohibition on such emissions, where achievable).” *Id.* § 7412(d). EPA refers to these emissions limitations as “Maximum Achievable Control Technology” (“MACT”) standards. J.A. 1. The Act mandates that MACT standards be “no less stringent than the emission

control that is achieved in practice by the best controlled similar source.” *Id.* § 7412(d)(3). By contrast, for area sources, EPA need not set emissions caps at all, save under limited circumstances. *See id.* § 7412(c)(3). Moreover, where the agency chooses to cap emissions for an area source, it may set emissions limits based on “Generally Available Control Technology” (“GACT”) standards, which are far more lenient than their MACT counterparts.¹

Of course, emissions caps are of little use if sources do not comply with them. Presumably in recognition of this, Congress enacted Title V of the CAA, 42 U.S.C. § 7661 *et seq.*, which makes it unlawful for a source subject to regulations under the Act – including GACT or MACT standards under § 112 – to operate without a permit, *see id.* § 7661a(a). Specifically, within a year of becoming subject to an obligation under the Act, Title V requires a source to submit a permit application and compliance plan to a state permitting authority. *Id.* § 7661b(b)-(c). In addition, a source must certify its compliance annually and submit to inspection, monitoring, and reporting requirements. *Id.* § 7661c(a)-(c). A source may apply to modify its permit, 40 C.F.R. § 70.7(e), and state permitting authorities must provide for public comment and a hearing on all permit applications that they receive, 42 U.S.C. § 7661a(b)(6).

But what if a state permitting authority issues or denies a permit application on a ground that a regulated source, or a

¹ As we have observed, the Act does not provide any parameters for setting GACT standards, but its legislative history describes GACT as “‘methods . . . [that] are commercially available and appropriate for application . . . considering economic impacts and the technical capabilities of firms to operate and maintain the emissions control systems.’” *U.S. Sugar Corp. v. EPA*, 830 F.3d 579, 595 (D.C. Cir. 2016) (quoting S. REP. NO. 101-228, at 171 (1989)).

regulatory beneficiary believes contravenes the Act? Congress apparently foresaw this circumstance, too. Indeed, Title V provides a detailed administrative process that dictates exactly when and how regulated sources and regulatory beneficiaries may seek EPA review of a state permitting authority's action, and, ultimately, judicial review of EPA action. *See id.* § 7611d. The process works as follows. First, state permitting authorities must submit to EPA all proposed operating permits. *Id.* § 7611d(a)(1). If any permit contains a provision that the Administrator determines is not in compliance with the Act, the Administrator must object in writing, and provide a statement of reasons for the objection, within forty-five days after receiving a copy of the proposed permit. *Id.* § 7661d(b)(1). If, within ninety days of an EPA objection, a permitting authority fails to submit a revised permit that satisfies the objection, the Administrator must issue or deny the permit in accordance with the Act. *Id.* § 7661d(c). Notably, refusing to revise a permit to conform with an EPA objection does not expose a permitting authority to any sort of penalty or liability whatsoever. If the Administrator does not object in writing within forty-five days of receiving a proposed permit, any person – including a regulated source or a regulatory beneficiary – may, within sixty days after EPA's forty-five-day objection period expires, petition the Administrator to object. *Id.* § 7661d(b)(2). The Administrator must grant or deny such a petition within sixty days after it is filed. *Id.*

Importantly, for reasons that will become clear, § 7661d specifies: (1) that “[n]o objection shall be subject to judicial review until the Administrator takes final action to issue or deny a permit under this subsection,” *id.* § 7661d(c); and (2) that the Administrator's denial of a petition to object “shall be subject to judicial review under section 7607,” *id.* § 7661d(b)(2). In turn, § 7607 contains the Act's umbrella judicial review provision, which confers jurisdiction in the

appropriate circuit for regionally applicable final action of the Administrator and in this Court for, *inter alia*, final action of the Administrator that is “nationally applicable.” *Id.* § 7607(b)(1).

With an understanding of the major statutory provisions and some of the regulations that govern the Wehrum Memo, we now provide fuller descriptions of the Wehrum Memo’s predecessor, the Seitz Memo, and the Wehrum Memo itself. Where appropriate, we take care to note additional applicable CAA provisions and EPA regulations.

In 1995, without providing notice and comment, John Seitz – then Director of EPA’s Office of Air Quality Planning and Standards – issued a memorandum to “clarify when a major source of [hazardous air pollutants] can become an area source” under § 112. J.A. 232 (underline in original). A major source may reclassify to an area source by limiting its potential to emit to below the major source threshold, the Seitz Memo concluded, *only until* the first date on which it must comply with a MACT standard or any other substantive regulatory requirement under the Act. *Id.* at 236. The Seitz Memo referred to this policy as “once in, always in.” *Id.* In other words, under the Seitz Memo, once EPA classifies a source as major under § 112 and its first compliance date passes, the source is ineligible to reclassify as an area source, even if it takes an enforceable limit on its potential to emit to below the major source threshold. Despite EPA’s stated intention to do so, *see* J.A. 234, the agency never formalized the Seitz Memo through notice and comment rulemaking. Nevertheless, the Seitz Memo has remained in effect for nearly twenty-five years.

On January 25, 2018, however, EPA announced it was reversing course. That day, William L. Wehrum, Assistant Administrator for EPA’s Office of Air and Radiation, and

“principal adviser to the Administrator in matters pertaining to air and radiation programs,” 40 C.F.R. § 1.41, issued a four-page memo to the agency’s Regional Air Division Directors; it announced that EPA would no longer interpret § 112 in accordance with the Seitz Memo. Indeed, the Wehrum Memo explains, the agency cannot interpret § 112 in accordance with the Seitz Memo because the statute’s plain-language “compels the conclusion” that a major source becomes an area source at such time when it takes an enforceable limit on its potential to emit to below the major source threshold. J.A. 1. Congress, the Wehrum Memo argues, placed no “temporal limitations” on when a major source is eligible to reclassify as an area source. *Id.* at 3. Accordingly, the Wehrum Memo declares that when a source previously classified as major limits its potential to emit to below the major source threshold, it “will no longer be subject either to the major source MACT or other major source requirements that were applicable to it as a major source under CAA section 112.” *Id.* at 1. In addition, the Wehrum Memo states that it “supersedes” the Seitz Memo, *id.*, and it instructs that “[t]he Regional offices should send this memorandum to states within their jurisdiction,” *id.* at 4.

II.

Before explaining why the Wehrum Memo is not final agency action, we take a moment to clarify the proper test for finality. In this Court, its contours have become blurred amidst the “considerable smog,” *Ass’n. of Flight Attendants v. Huerta*, 785 F.3d 710, 717 (D.C. Cir. 2015), enshrouding the related but separate analysis of whether an agency action is a legislative rule. In *Flight Attendants*, for example, we framed the finality inquiry as asking whether an action is “non-binding” or a “binding legislative rule,” *Flight Attendants*, 785 F.3d at 716, and we held that the guidance document at issue was nonfinal because it was “not a legislative rule carrying the

‘force and effect of law,’” *id.* (quoting *Perez*, 135 S. Ct. at 1204). Likewise, in *National Mining*, we opined that in order to analyze whether an action is final, we must first “take a step back” and analyze whether the rule is a legislative rule, interpretive rule, or general statement of policy. *Nat’l Min. Ass’n*, 758 F.3d at 251-52. The most important factor in this analysis, we continued, is whether an action has “actual legal effect,” *id.* at 252, and we held that the action at issue did not and was therefore unreviewable, *id.* at 252-53.

Subsuming the finality analysis within the test for whether a rule is legislative is not always inappropriate; if a rule is legislative it has the force and effect of law, and a legislative rule is thus necessarily final. As the Supreme Court has twice reminded us within the last five years, however, if a rule is final it is not necessarily legislative, and therefore the finality analysis is distinct from the test for whether an agency action is a legislative rule.

In *United States Army Corps of Engineers v. Hawkes Co.*, 136 S. Ct. 1807 (2016), the Court affirmed that the two-prong test in *Bennett v. Spear*, 520 U.S. 154 (1997), remains finality’s touchstone, *see Hawkes*, 136 S. Ct. at 1813 (quoting *Bennett*, 520 U.S. at 177-78) (“First, the agency action must mark the consummation of the agency’s decisionmaking process And second, the action must be one by which rights or obligations have been determined, or from which legal consequences will flow.”). In *Hawkes*, the question of whether the agency action at issue was the consummation of the agency’s decisionmaking process was not in dispute. Accordingly, the Court’s analysis focused on whether the action satisfied the second prong of *Bennett*. Notably, in undertaking this inquiry, the Court neither asked whether the action at issue had the force and effect of law nor made a single mention of legislative rules. Rather, the Court’s inquiry

focused on whether the action at issue gave “rise to ‘direct and appreciable legal consequences.’” *Hawkes*, 136 S. Ct. at 1814 (quoting *Bennett*, 520 U.S. at 178).

Perez, too, makes clear that the finality analysis is distinct from the test for whether a rule is legislative. There, the Court affirmed the “longstanding recognition that interpretive rules do not have the force and effect of law.” *Perez*, 135 S. Ct. at 1208 (internal citations omitted). Accordingly, overruling *Paralyzed Veterans of Am. v. D.C. Arena L.P.*, 117 F.3d 579 (D.C. Cir. 1997), the Court held that the APA does not require an agency to provide notice and comment in amending an interpretive rule, even if the new rule deviates significantly from its predecessor. *Id.* at 1206. In so holding, the Court reassured regulated entities and regulatory beneficiaries that they are not without recourse should an agency – perhaps to evade notice and comment – repudiate a longstanding interpretive rule by way of a second interpretive rule. *Id.* at 1209. In such a circumstance, the Court explained, an affected party can seek judicial review pursuant to the APA. *Id.* Because only final agency action is reviewable under the APA, *see* 5 U.S.C. § 704, *Perez* thus affirms that interpretive rules can be final, and, by implication, that the test for finality is independent of the analysis for whether an agency action is a legislative rule rather than an interpretive rule.

As commentators explain, maintaining an independent finality analysis is not merely a theoretical nicety; it has several salutary effects in practice. For example – as *Perez* alludes to, *see* 135 S. Ct. at 1209 – maintaining a finality analysis that is distinct from the test for whether a rule is legislative permits courts to review nonlegislative rules and thus safeguards against agencies evading both judicial review and notice and comment by acting via nonlegislative rules. *See* William Funk, *Final Agency Action After Hawkes*, 11 N.Y.U. J. L. & LIBERTY

285, 304 (2017). This is especially important when viewed from the perspective of regulatory beneficiaries, who are generally not parties to enforcement actions, and, therefore, may only be able to challenge nonlegislative rules via judicial review. *See* Nina A. Mendelson, *Regulatory Beneficiaries and Informal Agency Policymaking*, 92 CORNELL L. REV. 397, 420-24 (2007).

Having clarified the proper test for finality, we now apply it to the Wehrum Memo. Consistent with the interpretive method we endorse herein, we hew closely to the CAA provisions and EPA regulations appertaining thereto.

Our first question is whether the Wehrum Memo “mark[s] the consummation of [EPA’s] decisionmaking process.” *Hawkes*, 136 S. Ct. at 1813 (quoting *Bennett*, 520 U.S. at 177-78). It does. Notably, neither Respondent nor Intervenor offer substantive argument to the contrary. They were smart to save their ink. The Wehrum Memo unequivocally states that the plain language of § 112 “compels” the legal conclusion that qualifying major sources can reclassify at such time that they take an enforceable limit on their potential to emit to below the major source threshold. J.A. 1. In other words, the Wehrum Memo does not advance what EPA believes is a reasonable interpretation of § 112; it advances what EPA believes is the *only permissible* interpretation of the statute. Moreover, no mere subordinate issued the Wehrum Memo. Far from it. The Assistant Administrator for the Office of Air and Radiation issued it. As discussed, under EPA regulations, he is the “principal advisor to the Administrator in matters pertaining to air and radiation,” *see* 40 C.F.R. § 1.41, and, as we have held previously with respect to the Assistant Administrator for the Office of Air and Radiation, nothing within EPA’s regulations provides us “reason to question his authority to speak for the EPA.” *Her Majesty the Queen in Right of Ontario v. EPA*, 912

F.2d 1525, 1532 (D.C. Cir. 1990) (internal citations omitted). *Cf. Soundboard Ass'n. v. FTC*, 888 F.3d 1261, 1267-69 (D.C. Cir. 2018), *cert denied* 139 S. Ct. 1544, 2019 WL 1590248 (Apr. 15, 2019) (Federal Trade Commission (“FTC”) staff opinion letter not consummation of agency’s decisionmaking process because FTC regulations expressly delineated between Commission advice and staff advice and provided petitioners opportunity to seek opinion from Commission itself). Moreover, EPA published notice of the Wehrum Memo, and reiterated its principal conclusion, in the Federal Register. *See* 83 Fed. Reg. 5543-01 (Feb. 8, 2018). Accordingly, the Wehrum Memo can only reasonably be described as EPA’s last word on when a major source can reclassify to an area source under § 112.

Because the Wehrum Memo satisfies *Bennett*’s first prong, we ask next whether it has “direct and appreciable legal consequences.” *Hawkes*, 136 S. Ct. at 1814 (quoting *Bennett*, 520 U.S. at 178). Petitioners argue that it does because it creates a new right – *i.e.* it allows major sources unable to reclassify to area sources under the Seitz Memo to so reclassify. Cal. Pet’rs’ Br. 17-20. Respondent counters that the Wehrum Memo does not change the rights of regulated sources. EPA Br. 26-28. Whether or not a regulated source has the right to reclassify, Respondent contends, is only determined within the Title V permitting process. *Id.* (citing 42 U.S.C. § 7661d).

For reasons now explained, we hold that the Wehrum Memo does not have a single direct and appreciable legal consequence.

Hawkes instructs that whether an agency action has direct and appreciable legal consequences is a ““pragmatic”” inquiry. *Id.* at 1815 (quoting *Abbot Labs. v. Gardner*, 387 U.S. 136, 149

(1967)). In characterizing the inquiry as pragmatic, we do not take the Court to be encouraging some sort of common-sense approach. Quite the opposite. We take it as counseling lower courts to make *Bennett* prong-two determinations based on the concrete consequences an agency action has or does not have as a result of the specific statutes and regulations that govern it. Thus, in *Hawkes*, the Court held, in part, that the agency determination at issue had direct and appreciable legal consequences because, under the applicable statutes and regulations, if petitioners failed to heed the determination they did so at the risk of significant criminal and civil penalties. *Id.* And the cases *Hawkes* relies on as past examples of the “pragmatic approach [the Court] has long taken to finality” hold similarly. *Id.* (citing and quoting *Sackett v. EPA*, 566 U.S. 120, 126 (2012) (holding that agency action at issue satisfied *Bennett* prong-two because, under the relevant statutes and regulations, it appeared to expose petitioners to double penalties in a future enforcement proceeding and to limit their ability to obtain a certain type of permit); *Abbot Labs.*, 387 U.S. at 152 (holding that action at issue had a “sufficiently direct and immediate” impact on petitioners, such that judicial review was appropriate, because, under the governing statutes and regulations, noncompliance risked “serious criminal and civil penalties”); *Frozen Food Express v. United States*, 351 U.S. 40, 44 (1956) (same)).

Quite recently, in *Valero Energy Corporation v. EPA*, No. 18-1028, 2019 WL 2587837 (D.C. Cir. June 25, 2019), we affirmed this approach. At issue there, like here, was whether an EPA guidance document that declared the agency’s interpretation of a statute was final under the Act. We held that it was not. Assessing it within the context of the Act, we emphasized that: (1) the guidance imposed no obligations, prohibitions, or restrictions; (2) it put no party to the choice between costly compliance and the risk of a penalty of any sort;

(3) EPA acknowledged at oral argument that the guidance had no independent legal authority; and (4) that the Act provided regulated parties a statutory mechanism by which to challenge any EPA action that was premised on the statutory interpretation that the guidance advanced. *Valero*, 2019 WL at *3-5.

Assessing the Wehrum Memo under *Hawkes* and in accordance with *Valero*, we find that it is not final. True, it unequivocally declares that major sources, at such time that they limit their potential to emit to below the major source threshold, “will no longer be” subject to MACT standards. J.A. 1. Viewed within the context of the Act, however, the Wehrum Memo is all bark and no bite. As Respondent averred twice at oral argument, neither EPA nor any regulated source can rely on the Wehrum Memo within the Title V permitting process or in any other proceeding. Oral Arg. 50:15-50:27, 1:01:13-1:01:50. In other words, as Respondent concedes, although the Wehrum Memo forecasts EPA’s position as to § 112, it has no independent legal authority. In addition, under the Act and EPA regulations, a state permitting authority that refuses to comply with the Wehrum Memo faces no penalty or liability of any sort. Further still, the instant matter does not present a circumstance where the action at issue may be legally consequential because it binds agency staff and affected parties have no means (outside of judicial review) by which to challenge it. To the contrary, the Act contains clear provisions pursuant to which: (1) a state permitting authority can refuse to apply the Wehrum Memo and seek judicial review if EPA issues a permit over its refusal, *id.* § 7661d(c); and (2) a regulatory beneficiary can petition EPA to object to a state permitting authority’s application of the Wehrum Memo and seek judicial review if EPA denies the petition, *id.* § 7661d(b)(2).

Accordingly, although the Wehrum Memo, in no uncertain terms, forecasts EPA's definitive interpretation of § 112, it has no direct and appreciable legal consequences: neither EPA nor regulated sources can rely on it as independently authoritative in any proceeding; state permitting authorities face no penalty or liability of any sort in ignoring it; and state permitting authorities and regulatory beneficiaries have clear statutory avenues by which to challenge a permitting decision adopting the reasoning of the Wehrum Memo and seek judicial review if EPA fails to sustain their challenges. Under § 7661d(c), if a state permitting authority refuses to issue a permit allowing a major source to reclassify as an area source, and EPA subsequently issues such a permit following the reasoning of the Wehrum Memo, judicial review is appropriate. Under § 7661d(b)(2), if EPA, following the reasoning of the Wehrum Memo, denies a petition from any person asking the agency to object to a state permitting authority's issuance of a permit that allows a major source to reclassify as an area source, judicial review is appropriate. Indeed, because Congress specified that "[n]o objection shall be subject to review until the Administrator takes final action to issue or deny a permit under this subsection," § 7661d(c), we would contravene Congressional intent if we were to hold that a memo that merely forecasts a future objection is final agency action and subject to judicial review at this time.

The dissent insists that the Wehrum Memo satisfies *Bennett's* second prong because it "altered the legal regime." Dis. Op. 12. Indeed, the dissent forewarns, the Wehrum Memo "commands, orders, and dictates [to]" EPA employees, *id.* at 4, and "state permitting authorities are subject to" the statutory interpretation it advances, *id.* Said differently, according to the dissent, because of the Wehrum Memo, sources subject to MACT standards that limit their potential to emit to below the major source threshold are now "*assured* that they will be

subject to decreased regulation with EPA's support." *Id.* at 12 (emphasis added).

While the question is not free from doubt, we respectfully disagree. As noted above, we must remain laser focused on whether the Wehrum Memo gives "rise to 'direct and appreciable legal consequences.'" *Hawkes*, 136 S. Ct. at 1814 (quoting *Bennett*, 520 U.S. at 178), and when viewed in its specific regulatory context, it does not. "[M]ajor sources must comply with technology-based emission standards requiring the maximum degree of reduction in emissions EPA deems achievable, . . . [and] [i]n order to obtain an operating permit under title V of the [CAA], major sources must comply with extensive monitoring, reporting and record-keeping requirements. *Nat'l Min. Ass'n v. U.S. E.P.A.*, 59 F.3d 1351, 1353 (D.C. Cir. 1995). Major sources must obtain a permit in order to operate, and unless and until that permit is amended or set aside, the stringent requirements set forth therein must be complied with while that equipment is operational. The Wehrum Memo itself does not revoke or amend a single permit. As acknowledged by the Ohio environmental authorities in materials cited by petitioners, "[i]f you want to take advantage of the new guidance [in the Wehrum Memo], you will need to submit an application to modify your current permit." Environmental Pet'rs' Br., Standing Addendum 0198. Assuredly, although the Wehrum Memo advises EPA employees of the agency's position as to § 112, it does not bind state permitting authorities or assure regulated entities of the ability to reclassify. As EPA concedes, EPA Br. 21, 25, in receiving such an application to modify a permit, a state permitting authority may – with total impunity – ignore the Wehrum Memo and deny the application. It is true that the Administrator must issue a revised permit over the state permitting authority's protest if he or she believes that the statute so requires, § 7661d(c), but in such a case, the statute

explicitly provides the state permitting authority a mechanism by which to seek judicial review of the Administrator's action. *Id.* Regardless of whether Congress generally intended to allow pre-enforcement review of guidance documents under some circumstances in the CAA, here, as described above, Congress specifically directed that judicial review shall not be available until the Title V permit amendment process reaches a conclusion, *see* §§7661d(b)(2), 7661d(c). Congress' explicit understanding of finality in this specific statutory context controls our consideration of the instant guidance document, which pertains to that same permit amendment process.

Before concluding, we note that we have twice had occasion to ask whether an EPA guidance document that implicated the Act's Title V permitting process was final agency action: first in *Appalachian Power Co. v. EPA*, 208 F.3d 1015, 1021 (D.C. Cir. 2000), then in *National Environmental Development Ass'n v. EPA*, 752 F.3d 999 (D.C. Cir. 2014). In each, we found that the guidance at issue was final. A brief analysis of our reasoning in those cases demonstrates why the Wehrum Memo is not.

In *Appalachian Power*, at issue was a nineteen-page guidance document relating to certain monitoring requirements for Title V sources. *Appalachian Power*, 208 F.3d at 1019-20. In assessing our jurisdiction over the guidance, we did not consider § 7611d. Instead, we framed our jurisdiction solely in terms of § 7607(b)(1). *See id.* at 1021 n. 10 ("Our jurisdiction extends to 'any . . . nationally applicable . . . final action taken by,' the EPA 'Administrator.'" (quoting 42 U.S.C. § 7607(b)(1))). We predicated our holding that the guidance was final on the following findings. First, we found that it required state permitting authorities to: (1) "review their

emission standards and the emission standards EPA has promulgated to determine if the standards provide enough monitoring,” and (2) “insert additional monitoring requirements as terms or conditions of a permit . . . if they believe existing requirements are inadequate, as measured by EPA’s multi-factor, case-by-case analysis set forth in the Guidance.” *Id.* at 1022. Second, we found that EPA did not dispute petitioners’ assertion that state permitting authorities were relying on EPA’s guidance in insisting that regulated sources utilize a monitoring method that was more burdensome than the monitoring method set out under existing EPA regulations. *Id.* at 1023 & n.17. Finally, we found that a challenge to an individual permit applying the guidance would not be heard in this Court, presumably because we felt any such challenge would have only regional implications. *Id.* at 1023 n. 18.

In *National Environmental*, the guidance document before us explained that, due to a decision of the Sixth Circuit, EPA was altering a certain interpretation of its regulations only for Title V sources located within the Sixth Circuit’s jurisdiction. *Nat’l Env’tl.*, 752 F.3d at 1003. As in *Appalachian Power*, in assessing our jurisdiction over the guidance, we asked only whether it was final under § 7607(b)(1) and made no mention of § 7661d. *Id.* at 1006. In holding that it was final, we found that the “finality and legal consequences” of the guidance “were made plain” when EPA “relied on [it]” in approving a Federal Implementation Plan (“FIP”) “involving a company located outside the jurisdiction of the Sixth Circuit.” *Id.* at 1007 (citing 78 Fed. Reg. 17836, 17842 & n. 10 (March 22, 2013)). Indeed, within the FIP approval – which is a final, legislative rule carrying the force and effect of law – EPA cited the guidance as the sole authority for the legal conclusion that certain regulations applied to certain sources located outside of

the Sixth Circuit's jurisdiction. *See* 78 Fed. Reg. 17836, 17842 & n.10 (March 22, 2013)

Appalachian Power and *National Environmental* are thus, contrary to what the dissent suggests, *see* Dis. Op. 2-3, distinct from the instant matter in a crucial respect. In those cases, we held that the guidance documents at issue were final under § 7607(b)(1), without reference to § 7661d, because EPA and state permitting authorities wielded them to effectuate legal consequences. In *Appalachian Power*, we found that the guidance at issue required state permitting authorities to take at least two specific actions and that EPA did not deny that state permitting authorities used it to coerce regulated sources to adopt a stricter monitoring method. In *National Environmental*, we found that EPA cited the guidance, within a binding FIP approval, as the sole authority in support of a legal conclusion. By contrast, the Wehrum Memo does not require any entity or person to do anything, and EPA concedes that it has not, will not, and cannot rely on it in any proceeding. Accordingly, unlike in *Appalachian Power* and *National Environmental*, we have no basis to conclude, without reference to § 7661d, that we have jurisdiction over the guidance before us under § 7607(b)(1). We note, in addition, that in *Appalachian Power*, we found that we would lack jurisdiction over challenges to permitting decisions applying the guidance at issue. Here, however, any party entitled to review under § 7661d that wishes to challenge an application of the Wehrum Memo in this Court will be so heard, since the Wehrum Memo's principal conclusion is nationally applicable. *See* § 7607(b)(1).

In sum, we find that the Wehrum Memo – assessed within the context of the Act and EPA regulations – is not final agency action, and we dismiss the petitions for lack of subject matter jurisdiction under the Act. The Wehrum Memo marks the consummation of EPA's decisionmaking process as to when a

major source may reclassify to an area source under § 112. But the Wehrum Memo does not have direct and appreciable legal consequences: it does not require anyone to do anything; neither EPA nor regulated sources can rely on it in any proceeding; state permitting authorities face no penalty or liability in ignoring it; state permitting authorities and regulatory beneficiaries have clear statutory avenues by which to challenge it and seek judicial review if EPA refuses to heed their challenges; and any such challenges, if so desired, will be heard in this Court.

III.

To conclude, we note that we are under no illusion that this opinion will be the Rosetta Stone of understanding the nature of agency action. Developing this area of the law is indeed an “important continuing project.” *Nat’l Min. Ass’n*, 758 F.3d at 251. Nonetheless, today we humbly submit our contribution toward clarifying this somewhat gnarled field of jurisprudence. In ascertaining the nature of an agency action, we emphasize, courts should look first to the matrix of statutes and regulations governing that specific action. In addition, we offer a gentle reminder that the finality analysis is *sui generis*, separate and distinct from the test for whether an agency action is a legislative rule.

So ordered.

ROGERS, *Circuit Judge*, dissenting: On February 8, 2018, EPA formally announced in the Federal Register that “the plain language of the definitions of ‘major source’ . . . and of ‘area source’ in Section 112 of the [Clean Air Act] *compels* the conclusion that a major source becomes an area source at such time that the source takes an enforceable limit on its potential to emit [] hazardous air pollutants [] below the major source thresholds” 83 Fed. Reg. 5543 (Feb. 8, 2018) (emphasis added). “In such circumstances, a source that was previously classified as major . . . will no longer be subject either to the major source [maximum achievable control technology] or other major source requirements that were applicable to it as a major source under CAA section 112.” *Id.* Further, EPA stated this guidance memorandum “supersedes” the prior guidance in the May 1995 Seitz memorandum barring such reclassifications. *Id.* The guidance memorandum referred to in the Federal Register Notice was issued under the signature of William L. Wehrum, EPA Assistant Administrator for the Office of Air and Radiation. Petitioners now seek pre-enforcement review of the Wehrum Memorandum pursuant to 42 U.S.C. § 7607(b)(1), contending that the guidance memorandum is a legislative rule issued without notice and comment.

I.

Section 7607(b)(1) provides that this court shall have jurisdiction to review nationally applicable “final action taken” by the Administrator of EPA. 42 U.S.C. § 7607(b)(1). The term “final action” in Section 7607(b)(1) is synonymous with “final agency action” in the Administrative Procedure Act (“APA”), 5 U.S.C. § 704. *Whitman v. Am. Trucking Ass’n, Inc.*, 531 U.S. 457, 478 (2001). The finality inquiry itself is governed by the test articulated in *Bennett v. Spear*, 520 U.S. 154 (1997). *Sackett v. EPA*, 566 U.S. 120, 126–27 (2012). An agency action is final if: (1) the action marks the “consummation of the agency’s decisionmaking process,” and

(2) the action is one “by which rights or obligations have been determined, *or* from which legal consequences *will* flow.” *Bennett*, 520 U.S. at 177–78 (internal quotation marks and citation omitted) (emphases added).

The Supreme Court has “characterized the special judicial review provision of the CAA, 42 U.S.C. § 7607(b), as one of those statutes that specifically provides for ‘preenforcement’ review.” *Whitman*, 531 U.S. at 479 (citing *Ohio Forestry Ass’n, Inc. v. Sierra Club*, 523 U.S. 726 (1998)). In addressing ripeness, the Court has pointed out that the CAA “permit[s] ‘judicial review directly, even before the concrete effects normally required for APA review are felt.’” *Id.* at 479–80 (quoting *Lujan v. National Wildlife Federation*, 497 U.S. 871, 891 (1990)). This court, in turn, recognized that “Congress has emphatically declared a preference for immediate review with respect to Clean Air Act rulemaking,” *NRDC v. EPA*, 643 F.3d 311, 320 (D.C. Cir. 2011) (internal quotations and citations omitted), which is what petitioners contend the Wehrum Memorandum is. So understood, the statutory scheme not only allows but encourages pre-enforcement review of final actions such as the Wehrum Memorandum.

A.

The court has repeatedly held that judicial review is available pursuant to Section 7607(b)(1) for guidance documents that bind EPA officials on how to make Title V permitting decisions.

In *Appalachian Power Co. v. EPA*, 208 F.3d 1015, 1020 (D.C. Cir. 2000), the court considered a guidance document instructing that a source’s Title V permit must include periodic monitoring requirements to ensure compliance with certain federal or state standards. The guidance document thus reflected “a position [EPA] plans to follow in reviewing State-

issued permits” and “a position EPA officials in the field are bound to apply.” *Id.* at 1022. The court explained that the guidance document had legal consequences for both enforcement officials and regulated entities because it “reads like a ukase. It commands, it requires, it orders, it dictates.” *Id.* at 1023. The court held that the guidance document was a final action over which the court had jurisdiction pursuant to Section 7607(b). *Id.* at 1022–23 & n.10.

Also, in *National Environmental Development Ass’n’s Clean Air Project v. EPA*, 752 F.3d 999, 1007 (D.C. Cir. 2014), this court held that a guidance document on how EPA would determine whether groups of activities qualified as a “single stationary source” or multiple sources in Title V permits was a final action. The guidance document had legal consequences, the court explained, because it “provides firm guidance to enforcement officials about how to handle permitting decisions” and “*compels* agency officials” to apply certain permitting standards. *Id.* (emphasis in original). The court held that the guidance was “final agency action that is subject to judicial review” pursuant to Section 7607(b)(1). *Id.* at 1006–07.

Similarly, in the context of review of state implementation plans required by the CAA, the court held in *Natural Resources Defense Council*, 643 F.3d at 320, that a guidance document that “definitively interpreted” a provision of the CAA “altered the legal regime” because it required EPA officials to consider alternatives to a specific program when reviewing state implementation plans. The court explained that the guidance “binds EPA regional directors and thus qualifies as final.” *Id.*

In sum, the court has repeatedly held that guidance documents, which on their face bind enforcement officials to apply a certain standard or interpretation under the CAA,

including in the Title V context, are final actions subject to review pursuant to Section 7607(b)(1).

The Wehrum Memorandum states the law that EPA officials must apply in Title V permitting. Addressed to EPA Regional Air Division Directors, the Wehrum Memorandum “provides firm guidance to enforcement officials about how to handle permitting decisions.” *Nat. Envmtl. Dev.*, 752 F.3d at 1007. By its express terms, the Wehrum Memorandum unequivocally provides the interpretation of Section 112 that is to be applied by EPA employees. *See NRDC*, 643 F.3d at 320. The Wehrum Memorandum explains that the plain text of Section 112 “*compels* the conclusion that a major source becomes an area source at such time that the source takes an enforceable limit on its potential to emit . . . below major source thresholds.” *Wehrum Memorandum* at 1 (emphasis added). Referencing its legal consequences, the Wehrum Memorandum instructs that upon taking such a limit on its potential to emit below the major source thresholds, a source “*will not* be subject thereafter to those requirements applicable to the source as a major source under CAA section 112.” *Id.* at 4 (emphasis added). Like the guidance document in *Appalachian Power*, 208 F.3d at 1023, the Wehrum Memorandum “reads like a ukase.” It commands, orders, and dictates without caveats or disclaimers about the binding nature of its statutory interpretation. *Compare id.*, with *Nat. Mining Ass’n v. McCarthy*, 758 F.3d 243, 252–53 (D.C. Cir. 2014). It expressly “supersedes” EPA’s prior interpretation, stating that the Seitz Memorandum is withdrawn, “effective immediately.” *Wehrum Memorandum* at 1.

Under the statutory scheme, state permitting authorities are subject to the statutory interpretation announced in the Wehrum Memorandum stating EPA’s unequivocal position. The Wehrum Memorandum directs EPA enforcement officials

to send the memorandum to the States and thereby, in light of the Federal Register Notice, puts States doubly on notice that EPA's interpretation of Section 112 has changed, effective immediately. Given the text, structure, and purpose of the CAA, state permitting authorities are not free to ignore EPA's new interpretation of Section 112. The statutory scheme is based on a partnership between federal and state governments, whereby EPA sets federal standards and States develop implementation plans to set emissions limitations and standards to conform to these federal standards. *Appalachian Power*, 208 F.3d at 1019. "Typically, EPA delegates to the States its authority to require companies to comply with federal standards." *Id.* The terms and conditions in permits issued under Title V incorporate the applicable federal standards for individual sources. *Id.* Reinforcing that States must act in conformity with the Wehrum Memorandum, the CAA prohibits the Administrator of EPA from approving a state implementation plan under Title V except "to the extent that the program meets the requirements of [the CAA]." 42 U.S.C. § 7661a(d)(1). If a State proposes to issue an individual permit that does not comply with the CAA requirements, then the Administrator "shall" object. *Id.* § 7661d(b)(1). The Administrator is authorized to modify an individual permit. *Id.* § 7661d(e). The CAA even contemplates that a state permitting authority can be sanctioned for not adequately administering and enforcing a program. *Id.* § 7661a(i).

In sum, by announcing an unequivocal interpretation of which federal standards apply to which sources under the CAA, "EPA expects States to fall in line." *Appalachian Power*, 208 F.3d at 1023. Through the Wehrum Memorandum, EPA has instructed its employees that the plain text of the CAA includes no temporal limitation on the reclassification of "major sources." By publicly announcing an unequivocal statement that the plain text of the CAA "compels" its conclusion, EPA

has given States their “marching orders” to allow reclassification of major sources. *Id.* And States have heeded EPA’s direction. *See, e.g.,* Kuiken Decl. ¶¶ 6, 11 & Att.; McCloud Decl. ¶¶ 6, 10 & Att.; Gharrity Decl. Att. (Ohio EPA publication providing guidance to regulated entities treating the Wehrum Memorandum as binding); *see also* Standing Add. 43, 45, 48, 52–53, 57, 275.

Therefore, under this court’s precedent issuance of the Wehrum Memorandum is final action subject to judicial review pursuant to Section 7607(b)(1) because it provides EPA’s unequivocal interpretation on the reclassification of “major sources,” thereby binding EPA enforcement officials.

B.

Contrary to the court’s conclusion, the Wehrum Memorandum is final action under the two-prong *Bennett v. Spear* test. 520 U.S. at 177–78. First, the Wehrum Memorandum marks the consummation of EPA’s decisionmaking process with respect to its interpretation of whether Section 112 of the CAA allows major sources to reclassify as area sources at any time. The Wehrum Memorandum is unequivocal — if a major source “takes an enforceable limit on its potential to emit . . . below the major source thresholds,” the CAA “compels” that the source can reclassify as an area source at that time. *Wehrum Memorandum* at 1. It states the official position of the EPA Administrator; in signing the guidance memorandum, the Assistant Administrator for the Office of Air and Radiation was acting on behalf of the Administrator. *See* 40 C.F.R. § 1.41; *Her Majesty the Queen in Right of Ontario v. EPA*, 912 F.2d 1525, 1532 (D.C. Cir. 1990). Addressed to the Regional Air Division Directors, it instructs the Regional offices on what Section 112 of the CAA “compels,” and to “send this memorandum to states within their jurisdiction.” *Id.* at 4. By

Federal Register Notice, EPA announced to the public it had abandoned its prior interpretation and now concluded the plain text of Section 112 imposed no temporal limit on reclassifications by “major sources.” 83 Fed. Reg. at 5543. Regardless of whether EPA may change its position in the future, *see, e.g., Gen. Elec. Co. v. EPA*, 290 F.3d 377, 380 (D.C. Cir. 2002); *Appalachian Power*, 208 F.3d at 1022, the Wehrum Memorandum marks EPA’s unequivocal statutory interpretation of whether “major sources” may, at any time, reclassify under the CAA upon limiting their potential to emit hazardous pollutants.

Second, the Wehrum Memorandum is an action “from which legal consequences *will* flow” because it announces a binding change in the legal regime. *Bennett*, 520 U.S. at 178 (emphasis added); *see also U.S. Army Corps of Engineers v. Hawkes Co.*, 136 S. Ct. 1807, 1814–15 (2016); *NRDC*, 643 F.3d at 319–20; *Indep. Equip. Dealers Ass’n v. EPA*, 372 F.3d 420, 427 (D.C. Cir. 2004); *Appalachian Power*, 208 F.3d at 1020–21. The Wehrum Memorandum alters the legal regime by changing the regulatory requirements for any “major source” that “takes an enforceable limit on its potential to emit . . . below major source thresholds.” *Wehrum Memorandum* at 1. Those sources now have the opportunity to reclassify as area sources at any time by limiting their potential to emit below major source thresholds and thereafter will not be subject to the more onerous major source requirements, such as the Maximum Achievable Control Technology standards.

The court’s recent decision in *Valero Energy Corp. v. EPA*, 927 F.3d 532 (D.C. Cir. 2019) reaffirms that legal consequences will flow from the Wehrum Memorandum. There, the court held legal consequences did not flow from a guidance document that interpreted EPA’s duty to conduct “periodic reviews” of renewable fuel standards under 42

U.S.C. § 7545(o)(11) and explained how EPA's prior actions fulfilled any statutory duty to conduct periodic reviews. *Id.* at 535. The document did not purport bind EPA to its interpretation and had no identifiable effect on the regulated community. *Id.* at 536–37. Here, in contrast, the Wehrum Memorandum announces a binding interpretation that has an identifiable effect on major sources that take enforceable limits on their potential to emit below major source thresholds.

EPA's contrary position, that the Wehrum Memorandum is not final because it has no immediate impact or direct legal consequences for specific sources, misstates the finality test. "The test for finality . . . is not so narrow — it is met if 'the action [is] one by which rights or obligations have been determined, or from which legal consequences *will* flow.'" *Harris v. FAA*, 353 F.3d 1006, 1011 (D.C. Cir. 2004) (quoting *Bennett*, 520 U.S. at 178) (emphasis added). The court's suggestion that the Wehrum Memorandum is "all bark and no bite," Op. 16, ignores its plain text as well as the second clause of the second prong of the *Bennett v. Spear* test. With EPA's blessing, legal consequences will flow from the Wehrum Memorandum no later than when "major sources" take enforceable limits on their potential to emit below "major source" thresholds and obtain new or modified Title V permits. Indeed, such legal consequences have already occurred; EPA acknowledged that at least two "major sources" in Indiana have reclassified as area sources as of filing of the briefs in the instant appeal, and the Sierra Club has identified numerous other "major sources" that are eligible to reclassify. Resp't's Br. 29; Kuiken Decl. ¶ 6 & Att.; McCloud Decl. ¶ 5 & Att.

Additionally, the opportunity for judicial review at a later time has no direct bearing on the availability of pre-enforcement review of the Wehrum Memorandum. Section 7661d provides for judicial review under Section 7607 of an

Administrator's objection or denial of a petition to object to a specific Title V permit for a specific source. 42 U.S.C. § 7661d(b). Petitioners are not challenging a source-specific objection. Instead, they seek review of a generally applicable guidance document pursuant to Section 7607(b), which provides for judicial review of such a general guidance document that is a "final action." *Id.* § 7607(b)(1). The two provisions for judicial review serve different purposes. Judicial review of national standards at the start of the regulatory process can ensure that Congress's intent is being carried out before States and the regulated community must take costly implementing actions, while later enforcement review can ensure compliance with terms and conditions in individual permits. Nothing in the text, structure, purpose, or legislative history of the CAA indicates the availability of review of a decision in a source-specific Title V proceeding under Section 7661d would preclude pre-enforcement review of a general guidance document under Section 7607(b). That both exist in the CAA is a rational approach for complex legislation where Congress intended to bring about significant changes to the *status quo* impacting the environment, the public, and entities emitting hazardous air pollutants. *See Appalachian Power*, 208 F.3d at 1017; *see generally* Hon. Henry A. Waxman, *An Overview of the Clean Air Act Amendments of 1990*, 21 ENVTL. L. 1721, 1723, 1742 (1991). Put otherwise, the provision of judicial review of Title V permit decisions "in one section of a long and complicated statute" is hardly sufficient to overcome Congress's decision to provide pre-enforcement review. *See Sackett*, 132 S. Ct. at 1373. Not only does nothing in the text of Section 7661d override the provision for pre-enforcement review under Section 7607(b), the Supreme Court has acknowledged the CAA encourages pre-enforcement judicial review. *See Whitman*, 531 U.S. at 479 (quoting *Ohio Forestry*, 523 U.S. at 737); *see also NRDC*, 643 F.3d at 320.

Furthermore, Congress's express purpose in enacting the CAA was "to promote the public health and welfare and the productive capacity of [the Nation's] population." 42 U.S.C. § 7401(b)(1). Delaying the opportunity for judicial review until individual source permit enforcement proceedings could effectively squelch the opportunity for regulatory beneficiaries to obtain judicial review of an agency's position. *See* Nina A. Mendelson, *Regulatory Beneficiaries and Informal Agency Policymaking*, 92 CORNELL L. REV. 397, 420–24 (2007) ("Mendelson"). Title V does provide regulatory beneficiaries the opportunity to file a petition to object and to seek judicial review of denial of a petition to object in individual permitting proceedings. 42 U.S.C. § 7661d(b)(2). Yet requiring regulatory beneficiaries to monitor and to file petitions in individual permit proceedings throughout the United States requires resources that may constrain beneficiaries' ability to seek judicial review. *See* Mendelson at 451–52. Pre-enforcement judicial review of a nationally applicable guidance document, in contrast, is more accessible for regulatory beneficiaries. Precluding pre-enforcement review would impose a burden Congress has not required.

Notably, irrelevant to the finality inquiry is the fact that the Wehrum Memorandum is deregulatory rather than regulatory. This is the fallacy underlying the court's efforts to distinguish our precedent on the basis that the Wehrum Memorandum does not require anyone to do anything. *See* Op. 21. Although the Supreme Court and this court have regularly been confronted with challenges to regulatory actions as too strong or too weak and held that agency actions that require parties to take certain actions or expose parties to penalties are final, *see, e.g., Hawkes*, 136 S. Ct. at 1814–15; *Sackett*, 566 U.S. at 126; *Nat. Mining Ass'n*, 758 F.3d at 252; *CSI Aviation Servs., Inc. v. DOT*, 637 F.3d 408, 412–13 (D.C. Cir. 2011), the focus of the

inquiry has been on whether the legal regime has changed. The Wehrum Memorandum changed the legal regime by enabling certain regulated entities to become subject to decreased regulation — an opportunity not clearly available under the CAA, much less under EPA’s prior interpretation. Prior to EPA’s issuance of guidance, enforcement officials had discretion to interpret the CAA as either allowing or prohibiting “major source” reclassification after the first compliance date. *See NRDC*, 643 F.3d at 319–20. Now that discretion has been withdrawn as regulated “major sources” are eligible to be reclassified at any time upon taking emissions limitations.

Further, the Supreme Court has held that legal consequences can flow from the “denial of a safe harbor.” *Hawkes*, 136 S. Ct. at 1814. In *Scenic America, Inc. v. DOT*, 836 F.3d 42, 56 (D.C. Cir. 2016), this court recognized that legal consequences would flow from a guidance document that created a safe harbor whereby digital billboard permits would not be denied on the basis of violating certain standards. And in determining whether a document was a “rule” under the Toxic Substance Control Act in *General Electric*, 290 F.3d at 384–85, this court held that a guidance document that “appears to bind [EPA] to accept applications using a total toxicity factor of 4.0 (mg/kg/day)⁻¹” imposed binding obligations, explaining that “if the language of the document is such that private parties can rely on it as a norm or safe harbor by which to shape their actions, it can be binding as a practical matter.” *Id.* at 383 (quoting Robert A. Anthony, *Interpretive Rules, Policy Statements, Guidances, Manuals, and the Like—Should Federal Agencies Use Them to Bind the Public?*, 41 DUKE L.J. 1311, 1328–29 (1992)). The Wehrum Memorandum creates a safe harbor for “major sources” by removing a prior barrier to reclassification — those sources that take an enforceable limit on their potential to emit below the “major source” threshold

are assured that they will be subject to decreased regulation with EPA's support. This safe harbor has a "clear legal effect on regulated entities." *See Scenic America*, 836 F.3d at 56.

For these reasons, the Wehrum Memorandum is final action, reviewable pursuant to Section 7607(b)(1). It is an agency action with the telltale signs of finality — it presents a unequivocal interpretation of requirements under the CAA; it is binding on its face; and it altered the legal regime by providing an opportunity for "major sources" that take enforceable limits on their potential to emit below the "major source" thresholds to reclassify as "area sources" at any time. "Once the agency publicly articulates an unequivocal position . . . and expects regulated entities to alter their primary conduct to conform to that position, the agency has voluntarily relinquished the benefit of postponed judicial review." *Ciba-Geigy Corp. v. EPA*, 801 F.3d 430, 436 (D.C. Cir. 1986).

II.

The question remains whether the Wehrum Memorandum is an agency action ripe for review. To decide whether an agency's action is ripe for review, courts generally consider the "fitness of the issues for judicial decision" and the "hardship to the parties of withholding court consideration." *Ohio Forestry*, 523 U.S. at 733 (quoting *Abbott Labs. v. Gardner*, 387 U.S. 136, 149 (1967)). In *Appalachian Power*, 208 F.3d at 1023 n.18, the court held that a guidance document that reflected EPA's settled position regarding periodic monitoring requirements in Title V permits was ripe for review because the propriety of EPA's statutory interpretation would "not turn on the specifics of any particular permit." *Id.* EPA's guidance document was "national in scope and Congress clearly intended this court to determine the validity of such EPA actions," *see* 42 U.S.C. § 7607, yet "[a] challenge to an

individual permit would not be heard in this court,” *Appalachian Power*, 208 F.3d at 1023 n.18.

The same is true here. Whether EPA was required, as petitioners contend, to promulgate the Wehrum Memorandum through notice-and-comment rulemaking and whether EPA’s statutory interpretation in the Wehrum Memorandum is proper will not turn on the specifics of any particular permit. EPA has announced that “a major source that takes an enforceable limit on its [potential to emit] . . . no matter when the source may choose to take measures to limit its [potential to emit] . . . *will not* be subject thereafter to those requirements applicable to the source as a major source under CAA section 112.” *Wehrum Memorandum* at 4 (emphasis added). Its guidance is national in scope, as the court looks only to the face of an agency action to determine whether the action is nationally applicable. *Dalton Trucking, Inc. v. EPA*, 808 F.3d 875, 881 (D.C. Cir. 2015); *Am. Road & Trans. Builders Ass’n v. EPA*, 705 F.3d 453, 456 (D.C. Cir. 2013). Any objection or denial of a petition to object to a Title V permit would apply solely to the specific source applying for the Title V permit; inclusion of a general statutory interpretation that may apply as precedent in future Title V permit proceedings would not render the action nationally applicable under 42 U.S.C. § 7607(b)(1). *See Sierra Club v. EPA*, 926 F.3d 844, 849–50 (D.C. Cir. 2019). Concluding that petitioners’ challenges are not ripe until the Wehrum Memorandum is applied in an individual Title V permit proceeding would frustrate Congress’s intent that “nationally applicable” actions such as the Wehrum Memorandum be reviewable in this court pursuant to 42 U.S.C. § 7607(b)(1). Under the court’s approach, challenges would instead be directed to appropriate regional courts. *See* Op. 16–17; *see e.g., Sierra Club*, 926 F.3d at 847–50.

In any event, petitioners' challenges are fit for judicial review because they present purely legal issues. *See Nat. Envtl. Dev.*, 752 F.3d at 1008; *Gen. Elec.*, 290 F.3d at 380. Whether Section 112 of the CAA allows "major sources" to reclassify as "area sources" at any time upon taking enforceable limits on their potential to emit is a question of statutory interpretation that will not benefit from further factual development. *See Ohio Forestry*, 523 U.S. at 733. Given EPA's conclusion that the plain text "compels" the interpretation in the Wehrum Memorandum, this is not a circumstance in which judicial review would hinder EPA's effort to refine its position. *See id.* at 735. Nor will petitioners' claims under the APA be affected by further factual development. *See Gen. Elec.*, 290 F.3d at 380. In view of Congress's stated preference for immediate review under the CAA, *NRDC*, 643 F.3d at 320, the court need not consider hardship to the parties of delaying review, *see Cement Kiln Recycling Coal. v. EPA*, 493 F.3d 207, 215 (D.C. Cir. 2007); *Gen. Elec.*, 290 F.3d at 381. As noted, the CAA is a statute that "permit[s] judicial review directly, even before the concrete effects normally required for APA review are felt." *Whitman*, 531 U.S. at 479 (quoting *Lujan v. Nat'l Wildlife Fed'n*, 497 U.S. 871, 891 (1990)).

III.

The APA requires that a legislative rule, which carries the "force and effect of law," *Ass'n of Flight Attendants-CWA, ARL-CIO v. Huerta*, 785 F.3d 710, 716 (D.C. Cir. 2015) (quoting *Perez v. Mortgage Bankers Ass'n*, 135 S. Ct. 1199, 1204 (2015)), must be promulgated pursuant to notice-and-comment rulemaking. *Id.* To determine whether agency action carries the force and effect of law, the court generally looks to the actual legal effect (or lack thereof) of the agency action, paying particular attention to the express words used in the document. *Flight Attendants*, 785 F.3d at 717; *Nat. Mining*,

758 F.3d at 252. “[A] document that reads like an edict is likely to be binding, while one riddled with caveats is not.” *Flight Attendants*, 785 F.3d at 717. The court also considers whether the action was published in the Federal Register or the Code of Federal Regulations, and whether the action has binding effects on the agency or private parties. *Ctr. for Auto Safety v. Nat. Highway Traffic Safety Admin.*, 452 F.3d 798, 806–07 (D.C. Cir. 2006) (citing *Molycorp, Inc. v. EPA*, 197 F.3d 543, 545 (D.C. Cir. 1999)); *see also Flight Attendants*, 785 F.3d at 717; *Nat. Mining*, 758 F.3d at 252. An agency’s adoption of a binding norm that could not be properly promulgated absent the notice-and-comment rulemaking required by the APA “obviously would reflect final agency action.” *Ctr. for Auto Safety*, 452 F.3d at 804; *see also Flight Attendants*, 785 F.3d at 716. When an agency action is final because it creates a binding norm that alters the legal regime, the question of whether the action is a legislative rule is “easy.” *NRDC*, 643 F.3d at 320.

That is the situation here. The Wehrum Memorandum makes its legal effect clear; it “reads like an edict,” *Flight Attendants*, 785 F.3d at 717, instructing regional offices that the “unambiguous language” of Section 112 of the CAA “compels” “major source” reclassifications. *Wehrum Memorandum* at 1, 3. The document itself contains no disclaimers or caveats. Upon taking an enforceable limit on their potential to emit “below major source thresholds,” major sources “*will not* be subject thereafter” to “major source” regulations. *Id.* at 4 (emphasis added). EPA’s Federal Register Notice announced the new interpretation and binds EPA to the changed legal regime. As such, the Wehrum Memorandum is a legislative rule that failed to conform to the APA’s notice-and-comment requirement. *Cf. Gen. Elec.*, 290 F.3d at 385.

Accordingly, I would grant the petitions for review and vacate the Wehrum Memorandum, and I respectfully dissent.

Message

From: Benevento, Douglas [benevento.douglas@epa.gov]
Sent: 9/6/2019 2:34:32 AM
To: **Ex. 6 - Administrator** [redacted]@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; Molina, Michael [molina.michael@epa.gov]
Subject: Background
Attachments: Talking Points - Update on California - September 2019 (002).docx

Administrator, attached is a revised backgrounder that includes **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

If you have questions please let me know.

Thanks,

Doug

From: Benevento, Douglas [benevento.douglas@epa.gov]
Sent: 9/24/2019 2:31:26 PM
To: **Ex. 6 - Administrator** [redacted@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; Molina, Michael [molina.michael@epa.gov]
Subject: Fwd: Tomorrow's logistics

See below Molly's revisions to the air talking points for Clint.

From: Block, Molly <block.molly@epa.gov>
Sent: Tuesday, September 24, 2019 9:45 AM
To: Woods, Clint <woods.clint@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Cc: Benevento, Douglas <benevento.douglas@epa.gov>
Subject: RE: Tomorrow's logistics

Here are some additions (should address AAW's recs):

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Woods, Clint
Sent: Tuesday, September 24, 2019 8:39 AM
To: Block, Molly <block.molly@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David

<harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Cc: Benevento, Douglas <benevento.douglas@epa.gov>
Subject: RE: Tomorrow's logistics

A couple additions in **green below**

From: Block, Molly <block.molly@epa.gov>
Sent: Monday, September 23, 2019 6:38 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Cc: Benevento, Douglas <benevento.douglas@epa.gov>
Subject: Tomorrow's logistics

Hey team –

This should have all the info you need/want for tomorrow's call/press (with responsibilities). Please let me know if you have any questions. I've attached the letter above (we'll need a link to this as well). Thanks team!

Run of Show

10:30 am: Andrea Woods sends around list of press RSVPs

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11:00 am: Press release goes out (Andrea)

11:00 am: Molly opens the press call (script below)

11:02 – 11:06 am: Clint opening remarks on letter (draft language below)

11:06 – 11:25 am: Q&A from press

11:25 am: Molly closing

11:30 am: Hard stop

Call Information

Conference ID: Ex. 6 Personal Privacy (PP)

****Leader call-in number:** Ex. 6 Personal Privacy (PP)

Press call-in number: 877-317-0679

****NOTE:** The only people using the leader call-in line will be myself (+ team OPA in my office) and Clint. We need to do this because I initially gave this line out to press (SORRY!), so I will instruct the operator that there will only be two call-in numbers and the other one is Clint's cell phone. Please let me know if this is going to be an issue.

Script

Ex. 5 Deliberative Process (DP)

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I will now open up the floor to questions.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Q&A

Ex. 5 Deliberative Process (DP)

Molly Block

Senior Advisor

U.S. Environmental Protection Agency

Message

From: Benevento, Douglas [benevento.douglas@epa.gov]
Sent: 9/24/2019 12:54:29 PM
To: [Ex. 6 - Administrator]@epa.gov
Subject: FW: Tomorrow's logistics - Air Background Call

FYI

From: Woods, Clint <woods.clint@epa.gov>
Sent: Tuesday, September 24, 2019 8:39 AM
To: Block, Molly <block.molly@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Cc: Benevento, Douglas <benevento.douglas@epa.gov>
Subject: RE: Tomorrow's logistics

A couple additions in **green below**

From: Block, Molly <block.molly@epa.gov>
Sent: Monday, September 23, 2019 6:38 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Cc: Benevento, Douglas <benevento.douglas@epa.gov>
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Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Molly Block

Senior Advisor

U.S. Environmental Protection Agency

Message

From: Benevento, Douglas [benevento.douglas@epa.gov]
Sent: 9/4/2019 10:01:44 PM
To: **Ex. 6 - Administrator**
CC: Molina, Michael [molina.michael@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Talking Points
Attachments: Talking Points - Update on California - September, 2019.docx

I sent this to Cory as well but because it's so late I want make sure it reaches you. If you need more or something different please let me know.

Message

From: idsal.anne@epa.gov [idsal.anne@epa.gov]
Sent: 10/10/2019 1:34:04 AM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
CC: Abboud, Michael [abboud.michael@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Cory, Preston [Cory.Preston@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Block, Molly [block.molly@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]
Subject: Re: Bloomberg request re CARB letter

Ex. 5 Deliberative Process (DP)

Anne L. Idsal
U.S. Environmental Protection Agency - Office of Air and Radiation
Washington, DC

On Oct 9, 2019, at 8:22 PM, Schiermeyer, Corry <schiermeyer.corry@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

From: Schiermeyer, Corry
Sent: Wednesday, October 9, 2019 9:16 PM
To: Abboud, Michael <abboud.michael@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Block, Molly <block.molly@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>
Subject: RE: Bloomberg request re CARB letter

Does this work:

Ex. 5 Deliberative Process (DP)

From: Abboud, Michael <abboud.michael@epa.gov>
Sent: Wednesday, October 9, 2019 9:04 PM
To: Idsal, Anne <idsal.anne@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Block, Molly <block.molly@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Beach, Christopher

<beach.christopher@epa.gov>

Subject: Fwd: Bloomberg request re CARB letter

Anything we want to say to this?

Sent from my iPhone

Begin forwarded message:

Resent-From: <Press@epa.gov>

From: "Ryan Beene (BLOOMBERG/ NEWSROOM:)" <rbeene@bloomberg.net>

Date: October 9, 2019 at 7:35:50 PM EDT

To: Press <Press@epa.gov>

Subject: Bloomberg request re CARB letter

Reply-To: Ryan Beene <rbeene@bloomberg.net>

Hi Folks,

I apologize for the late hour. I got a copy of CARB Chair Mary Nichols' letter responding to Administrator Wheeler's letter warning the state may be sanctioned over incomplete SIPs pending at EPA. The letter, attached, is dated today. Nichols attributes the SIP backlog to issues at EPA. She also said Wheeler incorrectly said California has 82 nonattainment areas, noting EPA counted some areas multiple times.

Please let me know if EPA has any comment. We're publishing tonight and can update when you're able to get us something. Thanks

Ryan

Ryan Beene

Bloomberg News

rbeene@bloomberg.net

Office: 202.807.2025

Mobile/Signal: Ex. 6 Personal Privacy (PP)

October 9, 2019

Andrew R. Wheeler, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Wheeler:

As you requested, I am responding to your letter dated September 24, 2019. The California Air Resources Board (CARB) is happy to assist the U.S. Environmental Protection Agency (U.S. EPA) in clearing its State Implementation (SIP) backlog and, in particular, to withdraw SIPs for which U.S. EPA action is no longer needed. Indeed, as you may not have been aware in writing your letter, CARB has been helping U.S. EPA to resolve its administrative backlog for years. In 2014, U.S. EPA reached out to California asking for help with this backlog, and U.S. EPA, CARB, and local air districts agreed on a four-year plan to review, act on, or withdraw SIP submittals for each nonattainment area. Pursuant to this model collaborative process, U.S. EPA, CARB, and local air districts have worked together and cleared over 200 district rules and four attainment SIPs from U.S. EPA's backlog. CARB looks forward to continuing such productive cooperation with U.S. EPA, which is in the interests of U.S. EPA, CARB, the relevant stakeholders, and the public in general.

I am compelled, however, to point out that your letter contains many inaccuracies and misleading statements. Contrary to the letter's suggestion, California has been working diligently for decades to protect its residents from the harmful effects of smog, particles, toxics, and climate-warming pollution as required by the Clean Air Act. Moreover, the SIP backlog discussed in your letter consists of SIPs awaiting action by Regional U.S. EPA staff, and the multi-year delays in acting on California's SIPs are the result of staff shortages, competing administrative priorities, and a lack of clear guidelines emanating from headquarters bureaucracy. Happily, as detailed below, none of your agency's administrative delays have had any impact whatsoever on public health because California has moved ahead with implementation in the absence of U.S. EPA action. Under these circumstances, your sanctions threat is at best unfounded.

CARB was established years before U.S. EPA came into existence. Since then, CARB has led the nation in setting aggressive, effective, and cost-effective emissions standards for cars and trucks, with Congress repeatedly reaffirming its authority as an

innovator and driver of clean air technologies. To reduce emissions for light duty vehicles, California set a hydrocarbon tailpipe emission standard in 1966 and an oxides of nitrogen (NOx) emission tailpipe standard in 1971, ahead of U.S. EPA. Other regulations lowering emissions from light-duty vehicles that California has pioneered include the On-Board Diagnostic regulation beginning in 1988, the Low-Emission Vehicle and Zero-Emission Vehicle programs established in 1990, and the Reformulated Gasoline regulation beginning in 1992.

To reduce emissions from heavy-duty vehicles, California implemented the Clean Diesel Fuel program in 1992, and set low-NOx tailpipe emissions standards from heavy-duty diesel engines beginning in 1994. California anti-idling regulations lowered NOx emissions near schools and other populated destinations beginning in 1998. Solid waste collection vehicle and drayage truck rules, in 2008 and 2010 respectively, lowered emissions from specific occupational vehicles. In 2010, CARB adopted the groundbreaking Truck and Bus Regulation requiring all heavy-duty trucks to be equipped with a 2010 or newer engine by 2023. As Regional Administrator Mike Stoker recognized earlier this month, "Heavy-duty trucks can emit drastically higher levels of pollution when not equipped with required emissions controls. Transport companies must comply with California's rule to improve air quality and protect adjacent communities from breathing these toxic pollutants."¹ "The California Truck and Bus Regulation has been an essential part of the state's federally enforceable plan to attain cleaner air since 2012."²

Your letter incorrectly refers to 82 nonattainment areas in the state, apparently counting a single area repeatedly if it is not in attainment for multiple increasingly stringent standards and pollutants. For example, the letter counts the greater Los Angeles area as nonattainment for ozone four times and once more for fine particulate matter. It also included two tribal areas for which U.S. EPA—not California—is responsible under the Clean Air Act, and these two areas were counted six times. In fact, California has 20 nonattainment areas in total for ozone and fine particulate matter. We still have much work to do, but there is no point in making the task look harder than it already is.

The letter further suggested that most of the SIPs in U.S. EPA's backlog have fundamental approvability issues, state requested holds, missing information or resources. On the contrary, based on our preliminary review, for almost two-thirds of the SIPs U.S. EPA has the information it needs and we are awaiting U.S. EPA's action. Less than 20 items require additional action by CARB or local districts before U.S. EPA

¹ U.S. EPA settles with six companies over California trucking rules, Oct. 2, 2019. News Release, <https://www.epa.gov/newsreleases/us-epa-requires-trucking-companies-reduce-air-pollution-near-los-angeles-schools>.

² *Ibid.*

can act. That work is underway, but is hindered by the lack of clear and consistent U.S. EPA guidelines. For example, many of the SIPs were complete and approvable when submitted, but in 2016 while the SIPs sat with U.S. EPA a court directed U.S. EPA to change its requirements for contingency measures. Because U.S. EPA has yet to complete that task and provide clear directions on contingency measures, many SIPs that were approvable when submitted remain incomplete. Finally, we have also identified about two dozen SIPs that are candidates to withdraw.

The specific examples identified in your letter bear out this analysis. CARB already has asked that one of the six SIPs identified in the letter, the Ventura County SIP for the 1997 8-hour ozone national ambient air quality standards (NAAQS), be withdrawn. CARB made this request on September 16, 2019 and is awaiting U.S. EPA action to remove the SIP from its backlog. Two other SIPs are complete. In September 2019, at U.S. EPA's request, CARB submitted the air district's formal commitment to adopt required contingency measures for the Coachella Valley SIP for the 2008 8-hour ozone NAAQS, and U.S. EPA staff informed CARB that U.S. EPA now has all the information it needs to approve the SIP. Similarly, in August 2019, at U.S. EPA's request CARB provided technical clarifications and a contingency measure commitment for the Ventura County SIP for the 2008 8-hour ozone NAAQS.

The remaining three SIPs identified in your letter are all complete but for the contingency measures required by the 2016 court ruling. On July 24, 2017, one SIP, the Coachella Valley SIP for the 1997 8-hour ozone NAAQS, which was submitted in 2007, was approved except for the contingency element affected by the 2016 court ruling, which U.S. EPA did not take action on. The two remaining SIPs, the Sacramento Metro SIP for the 2008 8-hour NAAQs and the Western Nevada County SIP for the 2008 8-hour ozone NAAQS, were determined to be complete (on June 14, 2018 and June 2, 2019 respectively), and CARB is working with U.S. EPA and the local air districts to provide the contingency measure commitment letter, which is the only remaining element needed to facilitate approval and is expected to be ready in the first quarter of 2020.

Thus, far from showing any pending SIPs with fundamental defects, the examples cited in your letter confirm that CARB has been working with U.S. EPA to resolve its backlog, including the problems created by changes in the law that have occurred while SIPs await action by U.S. EPA.

California Takes Its Responsibility to Implement the Clean Air Act Seriously

In addition to mischaracterizing U.S. EPA's backlog, your letter accuses California of failing to carry out its duties under the Clean Air Act. That is simply false. Since the creation of CARB in 1967, our primary focus has been to reduce air pollution and protect the health of the citizens of California. California has endeavored to fulfill this

responsibility and continues to make significant progress lowering emissions from the largest source of these emissions: mobile sources. Despite an approximately 30 percent increase in the state's vehicle population and vehicle miles traveled since 1990, air quality in the state has dramatically improved:

- In 1990, the entire South Coast region exceeded the 80 parts per billion (ppb) 8-hour ozone standard. Today, we have slashed emissions by over half, ozone concentrations have declined 40 percent, and the number of days when pollution levels exceed the 80 ppb ozone standard has declined by more than 60 percent.
- In the San Joaquin Valley, the area with the most critical particulate matter pollution problem in the nation, PM_{2.5} levels have dropped by approximately 30 percent since 2001, and the entire region now meets the 65 micrograms per cubic meter 24-hour standard that was set in 1997.

This progress is in part the result of special authority given California under the Clean Air Act. Over 50 years ago, Congress granted California the authority to regulate most on-road mobile sources through a waiver from federal preemption based on the severity of California's air quality problems and the extent that emissions from these sources contribute to air pollution in the State. Congress also made clear that CARB and California air districts also have extensive authority over in-use regulations. (42 U.S.C. § 7543). Using this authority, CARB implemented the groundbreaking regulations that I mentioned earlier.

We continue that tradition today with the long-term goal of eliminating harmful motor vehicle emissions by transitioning light- and heavy-duty fleets in the State to zero-emission vehicles. Over the last decade, California has invested over \$5 billion, with nearly \$1 billion in additional appropriations, in programs like the Low Carbon Transportation and Carl Moyer Air Quality Standards Attainment Program, for replacing the dirtiest vehicles and deploying the cleanest technologies, including zero-emissions cars and trucks. CARB also just adopted regulations targeting specific fleets that will foster the growth in cleaner technology. These include the Innovative Clean Transit Regulation, adopted by CARB in 2018, which will reduce NO_x in transit-dependent and disadvantaged communities, and the Zero-Emission Airport Shuttle Bus Regulations, which will increase the penetration of zero-emission heavy-duty technology.

And California is not stopping. In 2020, CARB will act on the Advanced Clean Trucks regulation, which will accelerate the transition of heavy-duty trucks that operate in urban centers with stop-and-go driving cycles to zero-emissions technology that will reduce near-source high emission exposure to harmful pollution and cut costs. Also in 2020, we will be considering a new lower NO_x standard for trucks. Over the next

three years, California will be implementing the requirements of California Senate Bill 1, which will withhold the registration of polluting trucks. Finally, California Senate Bill 210 (Leyva), recently passed by the Legislature and signed by Governor Newsom, requires CARB to establish a first-of-its kind inspection and maintenance program for heavy-duty trucks.

In addition to the impressive work California has done to reduce mobile source emissions, we've also made great strides in reducing emissions from stationary sources. Many of our local air districts have the most stringent stationary source regulations in the country and have achieved substantial emission reductions while continuing California's robust economic growth. For example, in the South Coast Air Quality Management District, NO_x emissions have fallen over 60 percent since 1990, at the same time that region experienced a 30 percent increase in population. However, while we continue to push for state-of-the art controls on stationary sources, the fact of the matter is that further reducing stationary source emissions will pay diminishing dividends absent action on the federal emission sources.

CARB is also pursuing strategies for regions facing especially severe air quality problems. We are considering a number of additional actions to provide the emissions reductions needed to meet the criteria pollutant standards in the South Coast and the San Joaquin Valley creating the most stringent emissions standards in the country, for instance:

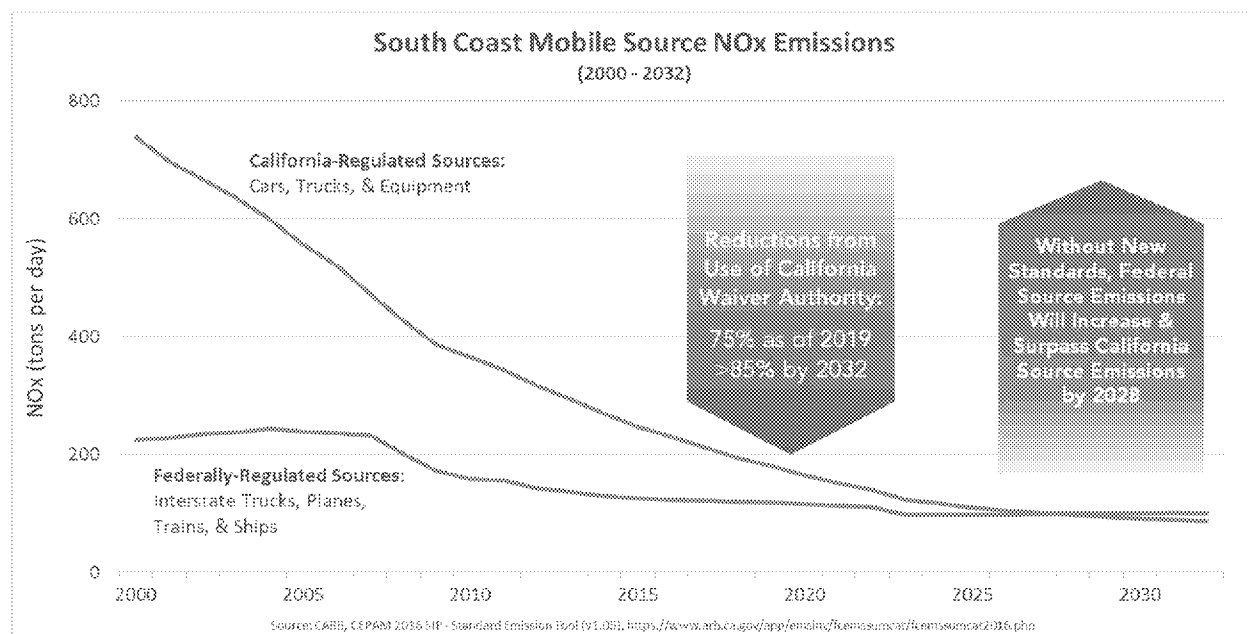
1. A Tier 5 Off-Road Diesel Engine Standard, including more stringent standards to reduce NO_x and fine particulate emissions by up to 90 percent below the current Tier 4 standards, as well as potential requirements to offer for sale off-road vehicles with zero-emission technology.
2. A locomotive emissions reduction measure, requiring that Class 1 railroads set aside funds each year to purchase Tier 4 or cleaner locomotives to address in-use emission, idling, and maintenance activities.
3. Regional strategies to reduce vehicle miles traveled and NO_x emissions.
4. An implementation framework to achieve co-benefits from the electrification of buildings as grid electricity in California transitions to 100 percent clean energy through incentives for early retirement or replacement and new installations of residential and commercial water heating, space heating, and air conditioning appliances with zero or near-zero emission technologies.
5. Integrating land and transportation strategies that through land conservation protect soil-based carbon while providing simultaneous reductions in emissions from transportation.

6. A State green contracting policy—building on Governor Newsom’s recent directive for State government to immediately redouble efforts to reduce greenhouse gas emissions and mitigate the impacts of climate change while building a sustainable, inclusive economy—requiring that contractors purchase the cleanest equipment available in order to be considered for these contracts and that State agencies purchase the cleanest vehicles and equipment that are available.

U.S. EPA Needs to Do Its Job and Protect Air Quality

As shown above, using its authority, including its waiver authority, California has been doing its part to protect air quality. Sadly, U.S. EPA has not done its part.

The stark difference is clearly seen in the figure below. Using our regulatory authority as preserved by Congress, we have reduced NOx emissions from mobile sources we can regulate by approximately 70 percent since 2000. This reduction is projected to grow to 85 percent by 2030. In contrast, due to weak action from U.S. EPA, pollution from sources over which it has been given substantial responsibility—including aircraft, locomotives, ocean-going vessels, and off-road equipment—has been increasing. If this trend continues, by 2030 pollution from these sources will be greater than that from California regulated sources and be responsible for nearly one third of emissions in the South Coast.



Pollution from Sources for Which U.S. EPA Has Responsibility Is Increasing

U.S. EPA recognized the need for federal action in 2019 when it approved California's *2016 State Strategy for the State Implementation Plan*. That SIP outlined specific U.S. EPA actions that were necessary for the greater Los Angeles area to meet federal clean air standards for ozone and particle pollution. These included:

- A federal low-NOx engine standard, to provide 7 tons per day (tpd) of NOx reductions in 2031;
- More stringent locomotive standards achieving 2 tpd of NOx reductions in 2031;
- A Tier 4 Ocean-Going Vessel standard or equivalent for new marine engines on ocean-going vehicles and vessel efficiency requirements for the existing in-use fleet to achieve 38 tpd of NOx reductions; and
- Further deployment of cleaner technologies for aircraft achieving 13 tpd of NOx reductions in 2031.

In total, the U.S. EPA-approved SIP made clear that we need a total of 60 tons per day of NOx reductions in the South Coast alone from sources for which U.S. EPA has the primary responsibility.

CARB and the South Coast Air Quality Management District are using all the tools and authority at our disposal to achieve emissions reductions from these sources in the absence of U.S. EPA action. But U.S. EPA should not hide behind California's efforts and avoid taking action to protect the health of the people you were established to serve. Rather than mischaracterizing U.S. EPA's backlog as the result of California's purported failure to implement the Clean Air Act and threatening to withhold California's transportation funds, it is imperative that U.S. EPA move quickly to do its job and reduce pollution from the sources it has the responsibility to regulate. California is prepared to coordinate with you in all efforts to focus on real actions to reduce emissions and protect people exposed to unhealthful air.

U.S. EPA's Backlog is the Result of U.S. EPA Failing to Take Timely Action

The California SIP backlog is made up of a mix of attainment plans to provide the reductions needed to meet air quality standards, supported by the authority to implement those plans. CARB submits attainment plans and regulations to U.S. EPA for its review and approval. The Clean Air Act requires that U.S. EPA take action on these submittals within 18 months after it receives them. U.S. EPA's backlog of attainment plans, regulations, and rules has been building for decades. U.S. EPA's

backlog is the result of its own failure to take timely action and the circumstances surrounding each submittal, including:

- Submitted rules that U.S. EPA has given lower priority for review based on its limited resources (due, in part, to U.S. EPA staff cuts and hiring freezes);
- Submitted rules that received no action before being later updated by an air district, and so are out of date and no longer governing;
- Submitted SIP elements that U.S. EPA has since concluded are not needed in the SIP, but have taken a lower priority in response to more pressing issues;
- Rules or attainment plans where U.S. EPA has delayed taking action because there is concern over setting national precedent or where U.S. EPA has not yet decided how to address recent court actions that impact the decision.

The average amount of time the remaining SIPs have been awaiting U.S. EPA action is 8 years.

I must emphasize, however, that U.S. EPA's administrative failure has not impeded California's efforts to continue its march towards achieving clean air. Regardless of U.S. EPA's inaction on the SIP submittals, California has not waited to adopt and implement cleaner emissions standards and programs to protect the health of its residents while this process plays out. As evidence of our progress, since the beginning of 2017, California has submitted 14 attainment plans to attain the 75 ppb 8-hour ozone standard and PM_{2.5} standards, and the air districts have submitted 117 rules to implement those plans.

California Will Continue to Help U.S. EPA Clear its Backlog

We encourage you to work with your dedicated regional staff to streamline your internal procedures to work as efficiently and transparently as possible, so that staff and external parties know what is expected. Much of the delay that you have now acknowledged is a result of vague, confusing or nonexistent guidelines from headquarters. It is past time for U.S. EPA to take seriously the Clean Air Act directive to develop "cooperative" programs with the states to protect the nation's air, and promote "reasonable" federal and state actions, assisting local governments in partnership. (42 U.S.C. § 7401).

As shown above, CARB has been a good partner to U.S. EPA. California has fully met its obligations. In these circumstances—with a decades-long record of state cooperation and innovation on SIPs, steadily improving air quality, and a backlog problem solely of U.S. EPA's making—a threat of disapproval and imposition of

sanctions constitutes an abuse of U.S. EPA authority. As you are doubtless aware, sanctions may be imposed only after extensive notice-and-comment processes and formal disapproval. Even then, the Clean Air Act and controlling U.S. EPA regulations generally direct that sanctions be imposed only after 18 months and if the state does not cure the issue. As a result, since U.S. EPA has not even proposed any such findings, sanctions would not apply until well after U.S. EPA's backlog could be cleared. Moreover, highway sanctions are a disfavored initial option in the rare cases where sanctions are appropriate at all. Far better would be for our agencies to continue to work together to resolve the issue as the sanctions would be wasteful and a direct hit to construction jobs.

CARB remains committed to a partnership in resolving the backlog issue and is prepared to accelerate the process already in place with U.S. EPA staff and the local air districts. This includes devoting more CARB staff to the effort if needed. I have directed CARB staff to review carefully each of the SIPs remaining in U.S. EPA's backlog to determine whether withdrawing any individual submission is appropriate. Because these decisions are fact-specific, any such determinations will need to be made on a case-by-case basis going forward. CARB staff has provided the results of their preliminary review to U.S. EPA staff and is scheduling a meeting to review CARB's assessment and agree on a path to clear U.S. EPA's backlog quickly.

We look forward to working with your staff to develop rules to control sources under your authority, resolving U.S. EPA's backlog in our ongoing pursuit of clean air, and pursuing a cooperative relationship for achieving what must be our shared goal of clean air for all.

Sincerely,



Mary D. Nichols
Chair

cc: The Honorable Diane Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

Richard W. Corey
Executive Officer

Message

From: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Sent: 10/10/2019 1:07:02 AM
To: Abboud, Michael [abboud.michael@epa.gov]
CC: Idsal, Anne [idsal.anne@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Cory, Preston [Cory.Preston@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Block, Molly [block.molly@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]
Subject: Re: Bloomberg request re CARB letter

I have points in the hot topics to pull from...give me a minute and I will see what could work

Sent from my iPhone

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From: "Ryan Beene (BLOOMBERG/ NEWSROOM:)"
<rbeene@bloomberg.net>
Date: October 9, 2019 at 7:35:50 PM EDT
To: Press <Press@epa.gov>
Subject: Bloomberg request re CARB letter
Reply-To: Ryan Beene <rbeene@bloomberg.net>

Hi Folks,

I apologize for the late hour. I got a copy of CARB Chair Mary Nichols' letter responding to Administrator Wheeler's letter warning the state may be sanctioned over incomplete SIPs pending at EPA. The letter, attached, is dated today. Nichols attributes the SIP backlog to issues at EPA. She also said Wheeler incorrectly said California has 82 nonattainment areas, noting EPA counted some areas multiple times.

Please let me know if EPA has any comment. We're publishing tonight and can update when you're able to get us something. Thanks

Ryan

Ryan Beene
Bloomberg News
rbeene@bloomberg.net
Office: 202.807.2025
Mobile/Signal: Ex. 6 Personal Privacy (PP)

<10918_MDN_EPA_SIP response.pdf>

October 9, 2019

Andrew R. Wheeler, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Wheeler:

As you requested, I am responding to your letter dated September 24, 2019. The California Air Resources Board (CARB) is happy to assist the U.S. Environmental Protection Agency (U.S. EPA) in clearing its State Implementation (SIP) backlog and, in particular, to withdraw SIPs for which U.S. EPA action is no longer needed. Indeed, as you may not have been aware in writing your letter, CARB has been helping U.S. EPA to resolve its administrative backlog for years. In 2014, U.S. EPA reached out to California asking for help with this backlog, and U.S. EPA, CARB, and local air districts agreed on a four-year plan to review, act on, or withdraw SIP submittals for each nonattainment area. Pursuant to this model collaborative process, U.S. EPA, CARB, and local air districts have worked together and cleared over 200 district rules and four attainment SIPs from U.S. EPA's backlog. CARB looks forward to continuing such productive cooperation with U.S. EPA, which is in the interests of U.S. EPA, CARB, the relevant stakeholders, and the public in general.

I am compelled, however, to point out that your letter contains many inaccuracies and misleading statements. Contrary to the letter's suggestion, California has been working diligently for decades to protect its residents from the harmful effects of smog, particles, toxics, and climate-warming pollution as required by the Clean Air Act. Moreover, the SIP backlog discussed in your letter consists of SIPs awaiting action by Regional U.S. EPA staff, and the multi-year delays in acting on California's SIPs are the result of staff shortages, competing administrative priorities, and a lack of clear guidelines emanating from headquarters bureaucracy. Happily, as detailed below, none of your agency's administrative delays have had any impact whatsoever on public health because California has moved ahead with implementation in the absence of U.S. EPA action. Under these circumstances, your sanctions threat is at best unfounded.

CARB was established years before U.S. EPA came into existence. Since then, CARB has led the nation in setting aggressive, effective, and cost-effective emissions standards for cars and trucks, with Congress repeatedly reaffirming its authority as an

innovator and driver of clean air technologies. To reduce emissions for light duty vehicles, California set a hydrocarbon tailpipe emission standard in 1966 and an oxides of nitrogen (NOx) emission tailpipe standard in 1971, ahead of U.S. EPA. Other regulations lowering emissions from light-duty vehicles that California has pioneered include the On-Board Diagnostic regulation beginning in 1988, the Low-Emission Vehicle and Zero-Emission Vehicle programs established in 1990, and the Reformulated Gasoline regulation beginning in 1992.

To reduce emissions from heavy-duty vehicles, California implemented the Clean Diesel Fuel program in 1992, and set low-NOx tailpipe emissions standards from heavy-duty diesel engines beginning in 1994. California anti-idling regulations lowered NOx emissions near schools and other populated destinations beginning in 1998. Solid waste collection vehicle and drayage truck rules, in 2008 and 2010 respectively, lowered emissions from specific occupational vehicles. In 2010, CARB adopted the groundbreaking Truck and Bus Regulation requiring all heavy-duty trucks to be equipped with a 2010 or newer engine by 2023. As Regional Administrator Mike Stoker recognized earlier this month, "Heavy-duty trucks can emit drastically higher levels of pollution when not equipped with required emissions controls. Transport companies must comply with California's rule to improve air quality and protect adjacent communities from breathing these toxic pollutants."¹ "The California Truck and Bus Regulation has been an essential part of the state's federally enforceable plan to attain cleaner air since 2012."²

Your letter incorrectly refers to 82 nonattainment areas in the state, apparently counting a single area repeatedly if it is not in attainment for multiple increasingly stringent standards and pollutants. For example, the letter counts the greater Los Angeles area as nonattainment for ozone four times and once more for fine particulate matter. It also included two tribal areas for which U.S. EPA—not California—is responsible under the Clean Air Act, and these two areas were counted six times. In fact, California has 20 nonattainment areas in total for ozone and fine particulate matter. We still have much work to do, but there is no point in making the task look harder than it already is.

The letter further suggested that most of the SIPs in U.S. EPA's backlog have fundamental approvability issues, state requested holds, missing information or resources. On the contrary, based on our preliminary review, for almost two-thirds of the SIPs U.S. EPA has the information it needs and we are awaiting U.S. EPA's action. Less than 20 items require additional action by CARB or local districts before U.S. EPA

¹ U.S. EPA settles with six companies over California trucking rules, Oct. 2, 2019. News Release, <https://www.epa.gov/newsreleases/us-epa-requires-trucking-companies-reduce-air-pollution-near-los-angeles-schools>.

² *Ibid.*

can act. That work is underway, but is hindered by the lack of clear and consistent U.S. EPA guidelines. For example, many of the SIPs were complete and approvable when submitted, but in 2016 while the SIPs sat with U.S. EPA a court directed U.S. EPA to change its requirements for contingency measures. Because U.S. EPA has yet to complete that task and provide clear directions on contingency measures, many SIPs that were approvable when submitted remain incomplete. Finally, we have also identified about two dozen SIPs that are candidates to withdraw.

The specific examples identified in your letter bear out this analysis. CARB already has asked that one of the six SIPs identified in the letter, the Ventura County SIP for the 1997 8-hour ozone national ambient air quality standards (NAAQS), be withdrawn. CARB made this request on September 16, 2019 and is awaiting U.S. EPA action to remove the SIP from its backlog. Two other SIPs are complete. In September 2019, at U.S. EPA's request, CARB submitted the air district's formal commitment to adopt required contingency measures for the Coachella Valley SIP for the 2008 8-hour ozone NAAQS, and U.S. EPA staff informed CARB that U.S. EPA now has all the information it needs to approve the SIP. Similarly, in August 2019, at U.S. EPA's request CARB provided technical clarifications and a contingency measure commitment for the Ventura County SIP for the 2008 8-hour ozone NAAQS.

The remaining three SIPs identified in your letter are all complete but for the contingency measures required by the 2016 court ruling. On July 24, 2017, one SIP, the Coachella Valley SIP for the 1997 8-hour ozone NAAQS, which was submitted in 2007, was approved except for the contingency element affected by the 2016 court ruling, which U.S. EPA did not take action on. The two remaining SIPs, the Sacramento Metro SIP for the 2008 8-hour NAAQs and the Western Nevada County SIP for the 2008 8-hour ozone NAAQS, were determined to be complete (on June 14, 2018 and June 2, 2019 respectively), and CARB is working with U.S. EPA and the local air districts to provide the contingency measure commitment letter, which is the only remaining element needed to facilitate approval and is expected to be ready in the first quarter of 2020.

Thus, far from showing any pending SIPs with fundamental defects, the examples cited in your letter confirm that CARB has been working with U.S. EPA to resolve its backlog, including the problems created by changes in the law that have occurred while SIPs await action by U.S. EPA.

California Takes Its Responsibility to Implement the Clean Air Act Seriously

In addition to mischaracterizing U.S. EPA's backlog, your letter accuses California of failing to carry out its duties under the Clean Air Act. That is simply false. Since the creation of CARB in 1967, our primary focus has been to reduce air pollution and protect the health of the citizens of California. California has endeavored to fulfill this

responsibility and continues to make significant progress lowering emissions from the largest source of these emissions: mobile sources. Despite an approximately 30 percent increase in the state's vehicle population and vehicle miles traveled since 1990, air quality in the state has dramatically improved:

- In 1990, the entire South Coast region exceeded the 80 parts per billion (ppb) 8-hour ozone standard. Today, we have slashed emissions by over half, ozone concentrations have declined 40 percent, and the number of days when pollution levels exceed the 80 ppb ozone standard has declined by more than 60 percent.
- In the San Joaquin Valley, the area with the most critical particulate matter pollution problem in the nation, PM_{2.5} levels have dropped by approximately 30 percent since 2001, and the entire region now meets the 65 micrograms per cubic meter 24-hour standard that was set in 1997.

This progress is in part the result of special authority given California under the Clean Air Act. Over 50 years ago, Congress granted California the authority to regulate most on-road mobile sources through a waiver from federal preemption based on the severity of California's air quality problems and the extent that emissions from these sources contribute to air pollution in the State. Congress also made clear that CARB and California air districts also have extensive authority over in-use regulations. (42 U.S.C. § 7543). Using this authority, CARB implemented the groundbreaking regulations that I mentioned earlier.

We continue that tradition today with the long-term goal of eliminating harmful motor vehicle emissions by transitioning light- and heavy-duty fleets in the State to zero-emission vehicles. Over the last decade, California has invested over \$5 billion, with nearly \$1 billion in additional appropriations, in programs like the Low Carbon Transportation and Carl Moyer Air Quality Standards Attainment Program, for replacing the dirtiest vehicles and deploying the cleanest technologies, including zero-emissions cars and trucks. CARB also just adopted regulations targeting specific fleets that will foster the growth in cleaner technology. These include the Innovative Clean Transit Regulation, adopted by CARB in 2018, which will reduce NO_x in transit-dependent and disadvantaged communities, and the Zero-Emission Airport Shuttle Bus Regulations, which will increase the penetration of zero-emission heavy-duty technology.

And California is not stopping. In 2020, CARB will act on the Advanced Clean Trucks regulation, which will accelerate the transition of heavy-duty trucks that operate in urban centers with stop-and-go driving cycles to zero-emissions technology that will reduce near-source high emission exposure to harmful pollution and cut costs. Also in 2020, we will be considering a new lower NO_x standard for trucks. Over the next

three years, California will be implementing the requirements of California Senate Bill 1, which will withhold the registration of polluting trucks. Finally, California Senate Bill 210 (Leyva), recently passed by the Legislature and signed by Governor Newsom, requires CARB to establish a first-of-its kind inspection and maintenance program for heavy-duty trucks.

In addition to the impressive work California has done to reduce mobile source emissions, we've also made great strides in reducing emissions from stationary sources. Many of our local air districts have the most stringent stationary source regulations in the country and have achieved substantial emission reductions while continuing California's robust economic growth. For example, in the South Coast Air Quality Management District, NO_x emissions have fallen over 60 percent since 1990, at the same time that region experienced a 30 percent increase in population. However, while we continue to push for state-of-the art controls on stationary sources, the fact of the matter is that further reducing stationary source emissions will pay diminishing dividends absent action on the federal emission sources.

CARB is also pursuing strategies for regions facing especially severe air quality problems. We are considering a number of additional actions to provide the emissions reductions needed to meet the criteria pollutant standards in the South Coast and the San Joaquin Valley creating the most stringent emissions standards in the country, for instance:

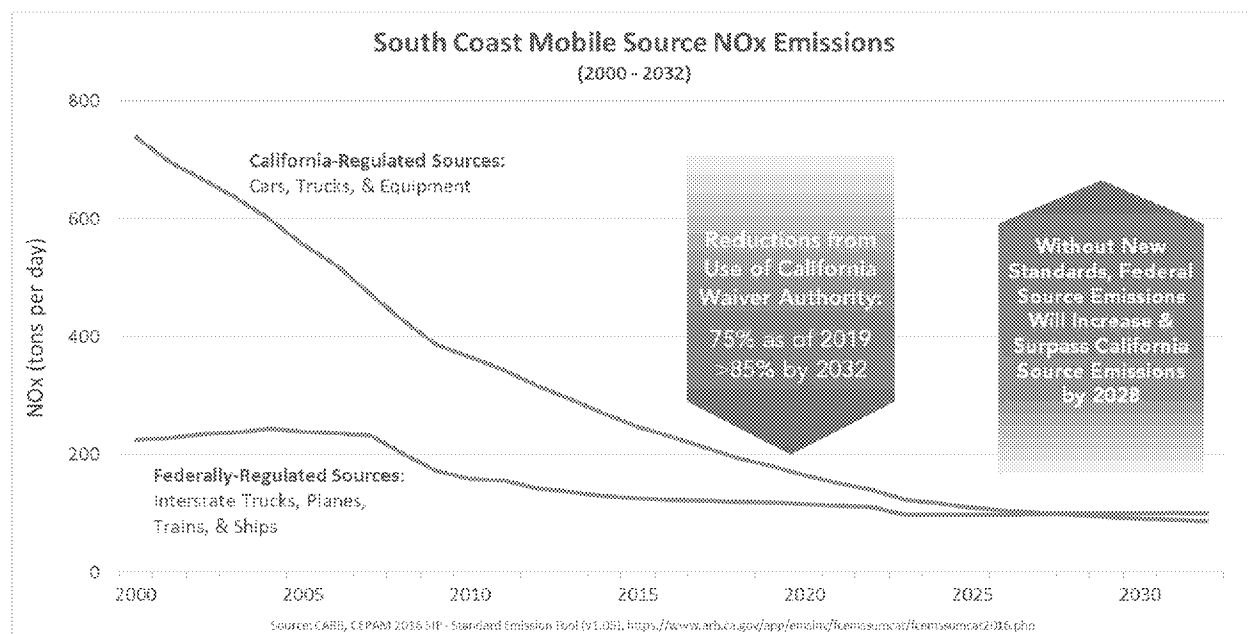
1. A Tier 5 Off-Road Diesel Engine Standard, including more stringent standards to reduce NO_x and fine particulate emissions by up to 90 percent below the current Tier 4 standards, as well as potential requirements to offer for sale off-road vehicles with zero-emission technology.
2. A locomotive emissions reduction measure, requiring that Class 1 railroads set aside funds each year to purchase Tier 4 or cleaner locomotives to address in-use emission, idling, and maintenance activities.
3. Regional strategies to reduce vehicle miles traveled and NO_x emissions.
4. An implementation framework to achieve co-benefits from the electrification of buildings as grid electricity in California transitions to 100 percent clean energy through incentives for early retirement or replacement and new installations of residential and commercial water heating, space heating, and air conditioning appliances with zero or near-zero emission technologies.
5. Integrating land and transportation strategies that through land conservation protect soil-based carbon while providing simultaneous reductions in emissions from transportation.

6. A State green contracting policy—building on Governor Newsom’s recent directive for State government to immediately redouble efforts to reduce greenhouse gas emissions and mitigate the impacts of climate change while building a sustainable, inclusive economy—requiring that contractors purchase the cleanest equipment available in order to be considered for these contracts and that State agencies purchase the cleanest vehicles and equipment that are available.

U.S. EPA Needs to Do Its Job and Protect Air Quality

As shown above, using its authority, including its waiver authority, California has been doing its part to protect air quality. Sadly, U.S. EPA has not done its part.

The stark difference is clearly seen in the figure below. Using our regulatory authority as preserved by Congress, we have reduced NOx emissions from mobile sources we can regulate by approximately 70 percent since 2000. This reduction is projected to grow to 85 percent by 2030. In contrast, due to weak action from U.S. EPA, pollution from sources over which it has been given substantial responsibility—including aircraft, locomotives, ocean-going vessels, and off-road equipment—has been increasing. If this trend continues, by 2030 pollution from these sources will be greater than that from California regulated sources and be responsible for nearly one third of emissions in the South Coast.



Pollution from Sources for Which U.S. EPA Has Responsibility Is Increasing

U.S. EPA recognized the need for federal action in 2019 when it approved California's *2016 State Strategy for the State Implementation Plan*. That SIP outlined specific U.S. EPA actions that were necessary for the greater Los Angeles area to meet federal clean air standards for ozone and particle pollution. These included:

- A federal low-NOx engine standard, to provide 7 tons per day (tpd) of NOx reductions in 2031;
- More stringent locomotive standards achieving 2 tpd of NOx reductions in 2031;
- A Tier 4 Ocean-Going Vessel standard or equivalent for new marine engines on ocean-going vehicles and vessel efficiency requirements for the existing in-use fleet to achieve 38 tpd of NOx reductions; and
- Further deployment of cleaner technologies for aircraft achieving 13 tpd of NOx reductions in 2031.

In total, the U.S. EPA-approved SIP made clear that we need a total of 60 tons per day of NOx reductions in the South Coast alone from sources for which U.S. EPA has the primary responsibility.

CARB and the South Coast Air Quality Management District are using all the tools and authority at our disposal to achieve emissions reductions from these sources in the absence of U.S. EPA action. But U.S. EPA should not hide behind California's efforts and avoid taking action to protect the health of the people you were established to serve. Rather than mischaracterizing U.S. EPA's backlog as the result of California's purported failure to implement the Clean Air Act and threatening to withhold California's transportation funds, it is imperative that U.S. EPA move quickly to do its job and reduce pollution from the sources it has the responsibility to regulate. California is prepared to coordinate with you in all efforts to focus on real actions to reduce emissions and protect people exposed to unhealthful air.

U.S. EPA's Backlog is the Result of U.S. EPA Failing to Take Timely Action

The California SIP backlog is made up of a mix of attainment plans to provide the reductions needed to meet air quality standards, supported by the authority to implement those plans. CARB submits attainment plans and regulations to U.S. EPA for its review and approval. The Clean Air Act requires that U.S. EPA take action on these submittals within 18 months after it receives them. U.S. EPA's backlog of attainment plans, regulations, and rules has been building for decades. U.S. EPA's

backlog is the result of its own failure to take timely action and the circumstances surrounding each submittal, including:

- Submitted rules that U.S. EPA has given lower priority for review based on its limited resources (due, in part, to U.S. EPA staff cuts and hiring freezes);
- Submitted rules that received no action before being later updated by an air district, and so are out of date and no longer governing;
- Submitted SIP elements that U.S. EPA has since concluded are not needed in the SIP, but have taken a lower priority in response to more pressing issues;
- Rules or attainment plans where U.S. EPA has delayed taking action because there is concern over setting national precedent or where U.S. EPA has not yet decided how to address recent court actions that impact the decision.

The average amount of time the remaining SIPs have been awaiting U.S. EPA action is 8 years.

I must emphasize, however, that U.S. EPA's administrative failure has not impeded California's efforts to continue its march towards achieving clean air. Regardless of U.S. EPA's inaction on the SIP submittals, California has not waited to adopt and implement cleaner emissions standards and programs to protect the health of its residents while this process plays out. As evidence of our progress, since the beginning of 2017, California has submitted 14 attainment plans to attain the 75 ppb 8-hour ozone standard and PM2.5 standards, and the air districts have submitted 117 rules to implement those plans.

California Will Continue to Help U.S. EPA Clear its Backlog

We encourage you to work with your dedicated regional staff to streamline your internal procedures to work as efficiently and transparently as possible, so that staff and external parties know what is expected. Much of the delay that you have now acknowledged is a result of vague, confusing or nonexistent guidelines from headquarters. It is past time for U.S. EPA to take seriously the Clean Air Act directive to develop "cooperative" programs with the states to protect the nation's air, and promote "reasonable" federal and state actions, assisting local governments in partnership. (42 U.S.C. § 7401).

As shown above, CARB has been a good partner to U.S. EPA. California has fully met its obligations. In these circumstances—with a decades-long record of state cooperation and innovation on SIPs, steadily improving air quality, and a backlog problem solely of U.S. EPA's making—a threat of disapproval and imposition of

sanctions constitutes an abuse of U.S. EPA authority. As you are doubtless aware, sanctions may be imposed only after extensive notice-and-comment processes and formal disapproval. Even then, the Clean Air Act and controlling U.S. EPA regulations generally direct that sanctions be imposed only after 18 months and if the state does not cure the issue. As a result, since U.S. EPA has not even proposed any such findings, sanctions would not apply until well after U.S. EPA's backlog could be cleared. Moreover, highway sanctions are a disfavored initial option in the rare cases where sanctions are appropriate at all. Far better would be for our agencies to continue to work together to resolve the issue as the sanctions would be wasteful and a direct hit to construction jobs.

CARB remains committed to a partnership in resolving the backlog issue and is prepared to accelerate the process already in place with U.S. EPA staff and the local air districts. This includes devoting more CARB staff to the effort if needed. I have directed CARB staff to review carefully each of the SIPs remaining in U.S. EPA's backlog to determine whether withdrawing any individual submission is appropriate. Because these decisions are fact-specific, any such determinations will need to be made on a case-by-case basis going forward. CARB staff has provided the results of their preliminary review to U.S. EPA staff and is scheduling a meeting to review CARB's assessment and agree on a path to clear U.S. EPA's backlog quickly.

We look forward to working with your staff to develop rules to control sources under your authority, resolving U.S. EPA's backlog in our ongoing pursuit of clean air, and pursuing a cooperative relationship for achieving what must be our shared goal of clean air for all.

Sincerely,



Mary D. Nichols
Chair

cc: The Honorable Diane Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

Richard W. Corey
Executive Officer

From: Abboud, Michael [abboud.michael@epa.gov]
Sent: 10/11/2019 8:23:25 PM
To: Block, Molly [block.molly@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Cory, Preston [Cory.Preston@epa.gov]
Subject: Fwd: LA air quality podcast
Attachments: e4f3d85b-c84d-4e20-b31b-3d77dcff6fdc.pdf; ATT00001.htm

Ex. 5 Deliberative Process (DP)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

September 24, 2019

THE ADMINISTRATOR

Ms. Mary D. Nichols
Chair
California Air Resources Board
1001 I Street, P.O. Box 2815
Sacramento, California 95812

Dear Ms. Nichols:

The U.S. Environmental Protection Agency and California Air Resources Board play a critical role in protecting public health through implementing National Ambient Air Quality Standards under the federal *Clean Air Act*. In particular, the state of California facilitates the submittal of State Implementation Plans from its 35 local air districts with *Clean Air Act* responsibilities.

A SIP is a collection of regulations and documents used by a state, territory or local air district to reduce air pollution in areas that do not meet NAAQS. Failure to carry out this SIP responsibility correctly, including submitting timely and approvable plans to assure attainment of the NAAQS, can put at risk the health and livelihood of millions of Americans. As part of our fundamental *Clean Air Act* responsibilities, I have recommitted the EPA to act quickly to approve or disapprove SIPs and to dramatically reduce the backlog of SIPs nationally.

Since the 1970s, California has failed to carry out its most basic tasks under the Clean Air Act. California has the worst air quality in the United States, with 82 nonattainment areas and 34 million people living in areas that do not meet National Ambient Air Quality Standards – more than twice as many people as any other state in the country. As evidenced by the EPA's recent work on interstate air pollution issues as well as analysis accompanying its rulemakings, California's chronic air quality problems are not the result of cross-state air pollution or this Administration's regulatory reform efforts.

In addition, the state of California represents a disproportionate share of the national list of backlogged SIPs, including roughly one-third of the EPA's overall SIP backlog. California's total portion of the SIP backlog is more than 130 SIPs, with many dating back decades. Most of these SIPs are inactive and appear to have fundamental issues related to approvability, state-requested holds, missing information or resources. For example, these SIPs include key ozone NAAQS attainment plans for the following areas:

- Coachella Valley for 1997 and 2008 ozone NAAQS

- Sacramento Metro for 2008 ozone NAAQS
- Western Nevada County for 2008 ozone NAAQS
- Ventura County for 1997 and 2008 ozone NAAQS

We recommend that California withdraw its backlogged and unapprovable SIPs and work with the EPA to develop complete, approvable SIPs. In the event California fails to withdraw them, the EPA will begin the disapproval process consistent with applicable statutory and regulatory requirements.

As you know, if the EPA disapproves a SIP, that triggers statutory clocks for:

- Highway funding sanctions, which could result in a prohibition on federal transportation projects and grants in certain parts of California;
- New Source Review permitting sanctions; and
- A deadline for the issuance of a Federal Implementation Plan.

We certainly want to avoid these statutory triggers, but our foremost concern must be ensuring clean air for all Americans. That is our goal.

To ensure that we are making progress on improving air quality in California, we request a response from CARB by October 10 indicating whether it intends to withdraw these SIPs.

Sincerely,



Andrew R. Wheeler

Message

From: Schiermeyer, Cory [schiermeyer.corry@epa.gov]
Sent: 10/11/2019 8:23:08 PM
To: Idsal, Anne [idsal.anne@epa.gov]; Cory, Preston [Cory.Preston@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]
CC: Abboud, Michael [abboud.michael@epa.gov]; Block, Molly [block.molly@epa.gov]
Subject: FW: LA air quality podcast
Attachments: e4f3d85b-c84d-4e20-b31b-3d77dcff6fdc.pdf

Could you all address the highlighted?

Also, if either Doug or Anne are around on Tuesday morning, it might be worth talking to David about for his podcast.

Let us know. Michael and I will be tied up with the Administrator all morning, barring any cancellations, but we could make this work.

Thank you!

From: Schultz, David <dSchultz@bloombergenvironment.com>
Sent: Friday, October 11, 2019 4:01 PM
To: Press <Press@epa.gov>
Subject: LA air quality podcast

Hello,

We're putting together an episode of our podcast, Parts Per Billion, about the conflicts between you guys and the state of California over air quality issues. The episode will feature Phil Fine, a senior official with the South Coast Air Quality Management District, the state agency that regulates air pollution in the greater Los Angeles area.

In my interview with him, Fine criticized the recent letter Administrator Wheeler sent to the state last month (attached to this email). He said the agency skewed the numbers about outstanding SIPs and said that, in reality, the majority of air pollution in his region comes from mobile sources that only the EPA, not his agency or the state of California, can regulate.

Would you like to respond to this and have your views represented in the podcast? If so, please let me know no later than noon ET on Tuesday, Oct. 15. I can record an interview with one of your colleagues and add it to the podcast, or I can paraphrase any info you send me. However, as always, I can't use any anonymously-sourced information. Any statement you send me that can't be attributed to an individual will be treated as off-the-record.

Thanks!

David

David Schultz
Reporter
Bloomberg Environment

703.341.3696
202.510.4655
dschultz@bloombergenvironment.com



Department of Transportation
1200 New Jersey Ave., S.E.
Washington, D.C. 20590



Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20004

September 6, 2019

Mary Nichols
Chairman
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Dear Chairman Nichols:

On July 25, 2019, CARB, on behalf of the State of California, announced a “groundbreaking framework agreement” with four automakers—Ford, Volkswagen, Honda, and BMW—to apply certain new greenhouse gas (GHG) emissions standards and related terms to the light-duty cars and trucks the four automakers manufacture for sale in the United States. These automakers have agreed to build vehicles to meet new specified emissions standards beginning with model year 2022 and not to “challenge California’s GHG and ZEV [zero-emission vehicle] programs.” In exchange, California has announced its intention to treat the four automakers’ compliance with the emissions standards and other terms set forth in the “framework” as satisfying CARB’s regulatory program for GHG emissions and ZEVs. Notably, one of the terms of the “framework” addresses credits for model year 2020 vehicles, which appears to have imminent, if not already effective, impacts on cars in commerce today. The State in its announcement of this deal styled it as “an alternative path forward for clean vehicle standards nationwide.”

The purpose of this letter is to put California on notice that this framework agreement appears to be inconsistent with Federal law. Congress has squarely vested the authority to set fuel economy standards for new motor vehicles, and nationwide standards for GHG vehicle emissions, with the Federal government, not with California or any other State. Section 209 of the Clean Air Act prohibits California and other States from adopting or attempting to enforce their own emissions standards. And the Energy Policy and Conservation Act (EPCA) expressly preempts States from setting fuel economy standards for motor vehicles or taking any other action “related to” the regulation of fuel economy. Given the direct, scientific link between tailpipe GHG emissions and fuel economy, any effort by California to adopt or apply the standards and related commitments agreed to in the framework clearly implicates EPCA’s preemption provision. Moreover, the State cannot take any action that does not comply with the requirements of Section 209 of the Clean Air Act.

Under EPCA and the Clean Air Act, it is DOT and EPA that have controlling authority to establish fuel economy and nationwide GHG emissions standards for new motor vehicles in the United

States, and the standards and commitments laid out in the framework agreement have not been issued pursuant to Federal law. Accordingly, CARB's actions in furtherance of the framework appear to be unlawful and invalid. We recognize California's disagreements with the Federal government's policy proposals in this area, but those policy disagreements cannot justify CARB's pursuit of a regulatory approach that would violate Federal law.

Given the importance Congress placed on the authority of DOT and EPA for motor vehicle fuel economy and nationwide vehicle emissions standards under Federal law, we urge you to act immediately to disassociate CARB from the commitments made by the four automakers. Those commitments may result in legal consequences given the limits placed in Federal law on California's authority.

Sincerely,



Steven G. Bradbury
General Counsel
U.S. Department of Transportation



Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency

Cc:

Gavin Newsom, Governor of the State of California
Xavier Becerra, Attorney General for the State of California
James Hackett, President and CEO, Ford Motor Company
Shinji Aoyama, President and CEO, American Honda Motor Company
Scott Keogh, President and CEO, Volkswagen Group of America
Bernhard Kuhnt, President and CEO, BMW of North America

Message

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 9/6/2019 3:07:37 PM
To: Idsal, Anne [idsal.anne@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Harlow, David [harlow.david@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]
CC: Mutz, John (Fletcher) [mutz.john@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]
Subject: FW: Clean final letter to CARB with Sgb signature
Attachments: Letter to California Air Resources Board.pdf

Team, here is the final signed letter to CARB. DOT has ask that I transmit on behalf of the agencies. Can OAR provide the approach contact for Mary Nichols?

OPA we are providing a place to host on the OGC website. Please let us transmit to CARB before releasing any further.

Matt

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Mutz, John (Fletcher) <mutz.john@epa.gov>
Sent: Friday, September 6, 2019 11:04 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: Clean final letter to CARB with Sgb signature

Here is the signed letter.

Fletcher

From: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Sent: Friday, September 6, 2019 10:58 AM
To: Mutz, John (Fletcher) <mutz.john@epa.gov>
Subject: FW: Clean final letter to CARB with Sgb signature

Please print for signature.

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Bradbury, Steven (OST) <Steven.Bradbury@dot.gov>
Sent: Friday, September 6, 2019 10:48 AM
To: Clark, Jeffrey (ENRD) <jbc1@usdoj.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Brightbill, Jonathan (ENRD) <Jonathan.Brightbill@usdoj.gov>; Owens, James (OST) <James.Owens@dot.gov>; Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>; Aizcorbe, Christina (OST) <Christina.Aizcorbe@dot.gov>
Subject: Clean final letter to CARB with Sgb signature

All: Attached is a clean, final version of the letter with my signature on it. Matt & Justin: You have my permission to sign and send. Please send us a copy of the co-signed letter as sent. Thanks all! Steve

Steven G. Bradbury
General Counsel
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590
steven.bradbury@dot.gov
(202) 366-4702

From: Clark, Jeffrey (ENRD) [<mailto:jbc1@usdoj.gov>]
Sent: Friday, September 06, 2019 10:39 AM
To: Bradbury, Steven (OST) <Steven.Bradbury@dot.gov>
Cc: Schwab, Justin <Schwab.Justin@epa.gov>; Brightbill, Jonathan (ENRD) <Jonathan.Brightbill@usdoj.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Owens, James (OST) <James.Owens@dot.gov>; Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>; Aizcorbe, Christina (OST) <Christina.Aizcorbe@dot.gov>
Subject: Re: LOGO FLIPPED - USE THIS VERSION RE: letter - clean draft

Ex. 5 Attorney Work Product (AWP)

Sent from my iPhone

On Sep 6, 2019, at 10:37 AM, Bradbury, Steven (OST) <Steven.Bradbury@dot.gov> wrote:

I'm attaching a redline showing some very minor additional edits I'm suggesting, along with a clean version with my minor edits accepted. I'm prepared to sign this letter as revised. Many thanks for the scramble on this! If it would help on your end, Justin & Matt, I could put my signature on the letter electronically and then you could sign it for Matt and send it out. Best, Steve

Steven G. Bradbury
General Counsel
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590
steven.bradbury@dot.gov
(202) 366-4702

From: Schwab, Justin [<mailto:Schwab.Justin@epa.gov>]
Sent: Friday, September 06, 2019 10:21 AM
To: Bradbury, Steven (OST) <Steven.Bradbury@dot.gov>; Clark, Jeffrey (ENRD) <jbc1@usdoj.gov>; Brightbill, Jonathan (ENRD) <Jonathan.Brightbill@usdoj.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: LOGO FLIPPED - USE THIS VERSION RE: letter - clean draft

The little paperclip guy helped me out in the end. Please find attached.

From: Schwab, Justin
Sent: Friday, September 6, 2019 10:15 AM
To: 'Steven Bradbury' <steven.bradbury@dot.gov>; Clark, Jeffrey (ENRD) <jbc1@usdoj.gov>; Brightbill,

Jonathan (ENRD) <Jonathan.Brightbill@usdoj.gov>

Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>

Subject: letter - clean draft

Please find attached. Will work on flipping logo but in interests of time wanted to send this now.

<CLEAN EDIT 09062019 AM Letter to CARB (Sgb edits).docx>

<CLEAN EDIT 09062019 AM Letter to CARB (Sgb clean version).docx>

Message

From: Abboud, Michael [abboud.michael@epa.gov]
Sent: 10/10/2019 2:04:54 PM
To: Cory, Preston [Cory.Preston@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]
CC: Block, Molly [block.molly@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]
Subject: RE: Bloomberg request re CARB letter

From the letter.

From: Cory, Preston <Cory.Preston@epa.gov>
Sent: Thursday, October 10, 2019 10:02 AM
To: Abboud, Michael <abboud.michael@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Block, Molly <block.molly@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Subject: RE: Bloomberg request re CARB letter

Ex. 5 Deliberative Process (DP)

From: Abboud, Michael <abboud.michael@epa.gov>
Sent: Thursday, October 10, 2019 9:58 AM
To: Beach, Christopher <beach.christopher@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Block, Molly <block.molly@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Subject: RE: Bloomberg request re CARB letter

Well taking action sounds positive. How will this work for a quote?

Ex. 5 Deliberative Process (DP)

From: Beach, Christopher <beach.christopher@epa.gov>
Sent: Thursday, October 10, 2019 9:36 AM
To: Abboud, Michael <abboud.michael@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Jackson, Ryan

<jackson.ryan@epa.gov>

Cc: Block, Molly <block.molly@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>

Subject: RE: Bloomberg request re CARB letter

Yup. Here's the talkers AW regularly uses on this:

Ex. 5 Deliberative Process (DP)

From: Abboud, Michael <abboud.michael@epa.gov>

Sent: Thursday, October 10, 2019 9:34 AM

To: Cory, Preston <Cory.Preston@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>

Cc: Block, Molly <block.molly@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>

Subject: RE: Bloomberg request re CARB letter

Ex. 5 Deliberative Process (DP)

From: Cory, Preston <Cory.Preston@epa.gov>

Sent: Thursday, October 10, 2019 8:51 AM

To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>

Cc: Block, Molly <block.molly@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>

Subject: RE: Bloomberg request re CARB letter

Corry, here is what I received from our SIP team:

Ex. 5 Deliberative Process (DP)

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>

Sent: Wednesday, October 9, 2019 9:23 PM

To: Abboud, Michael <abboud.michael@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>

Cc: Block, Molly <block.molly@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>

Subject: RE: Bloomberg request re CARB letter

Ex. 5 Deliberative Process (DP)

From: Schiermeyer, Corry

Sent: Wednesday, October 9, 2019 9:16 PM

To: Abboud, Michael <abboud.michael@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>

Cc: Block, Molly <block.molly@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>

Subject: RE: Bloomberg request re CARB letter

Does this work:

Ex. 5 Deliberative Process (DP)

From: Abboud, Michael <abboud.michael@epa.gov>

Sent: Wednesday, October 9, 2019 9:04 PM

To: Idsal, Anne <idsal.anne@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>

Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Block, Molly <block.molly@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>

Subject: Fwd: Bloomberg request re CARB letter

Anything we want to say to this?

Sent from my iPhone

Begin forwarded message:

Resent-From: <Press@epa.gov>

From: "Ryan Beene (BLOOMBERG/ NEWSROOM:)" <rbeene@bloomberg.net>

Date: October 9, 2019 at 7:35:50 PM EDT

To: Press <Press@epa.gov>

Subject: Bloomberg request re CARB letter

Reply-To: Ryan Beene <rbeene@bloomberg.net>

Hi Folks,

I apologize for the late hour. I got a copy of CARB Chair Mary Nichols' letter responding to Administrator Wheeler's letter warning the state may be sanctioned over incomplete SIPs pending at EPA. The letter, attached, is dated today. Nichols attributes the SIP backlog to issues at EPA. She also said Wheeler incorrectly said California has 82 nonattainment areas, noting EPA counted some areas multiple times.

Please let me know if EPA has any comment. We're publishing tonight and can update when you're able to get us something. Thanks

Ryan

Ryan Beene
Bloomberg News
rbeene@bloomberg.net

Office: 202.807.2025

Mobile/Signal: Ex. 6 Personal Privacy (PP)

Message

From: Atkinson, Emily [Atkinson.Emily@epa.gov]
Sent: 9/5/2019 2:02:49 PM
To: Wheeler, Andrew [wheeler.andrew@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Shaw, Betsy [Shaw.Betsy@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Harlow, David [harlow.david@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]; White, Elizabeth [white.elizabeth@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Darwin, Henry [darwin.henry@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
CC: Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Richardson, RobinH [Richardson.RobinH@epa.gov]; Lovell, Will (William) [lovell.william@epa.gov]; Tyree, Robin [Tyree.Robin@epa.gov]; Nickerson, William [Nickerson.William@epa.gov]; Pritchard, Eileen [Pritchard.Eileen@epa.gov]; Gordon, Stephen [gordon.stephen@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; DeBell, Kevin [debell.kevin@epa.gov]; Millett, John [Millett.John@epa.gov]; Sauerhage, Maggie [Sauerhage.Maggie@epa.gov]; DeLuca, Isabel [DeLuca.Isabel@epa.gov]; Burch, Julia [Burch.Julia@epa.gov]; Hackel, Angela [Hackel.Angela@epa.gov]; Burton, Tamika [burton.tamika@epa.gov]; Manibusan, Mary [Manibusan.Mary@epa.gov]; Gaines, Cynthia [Gaines.Cynthia@epa.gov]; Hope, Brian [Hope.Brian@epa.gov]; Leavy, Jacqueline [Leavy.Jacqueline@epa.gov]; Moritz, Brigitte [Moritz.Brigette@epa.gov]; Thundiyl, Karen [Thundiyl.Karen@epa.gov]; Hall-Jordan, Luke [Hall-Jordan.Luke@epa.gov]; Sleasman, Katherine [Sleasman.Katherine@epa.gov]; Newberg, Cindy [Newberg.Cindy@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Iglesias, Amber [Iglesias.Amber@epa.gov]; Culligan, Kevin [Culligan.Kevin@epa.gov]; Noonan, Jenny [Noonan.Jenny@epa.gov]; Cortelyou-Lee, Jan [Cortelyou-Lee.Jan@epa.gov]; Ashley, Jackie [Ashley.Jackie@epa.gov]; Bremer, Kristen [Bremer.Kristen@epa.gov]; Davis, Alison [Davis.Alison@epa.gov]; Morgan, Ruthw [morgan.ruthw@epa.gov]; Mocka, Corey [mocka.corey@epa.gov]; Smith, Darcie [Smith.Darcie@epa.gov]
Subject: SIGNED: Proposed Rule: National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology Standards Residual Risk and Technology Review for Ethylene Production (Tier 2; SAN 5914; RIN 2060-AT02)
Attachments: San 5914.pdf

Good Morning,

Today the Administrator signed the proposed rule entitled, "National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology Standards Residual Risk and Technology Review for Ethylene Production."

The signed, proposed rule is attached. Please refer to page 191 for signature.

If you have any questions about this email, please let me know.

Sincerely,
Emily

Emily Atkinson
Program Coordinator for the Lead Region System
Office of Intergovernmental Relations, USEPA
Room 3443B, 1200 Pennsylvania Avenue NW
Washington, DC 20460
Voice: 202-564-1850
Email: atkinson.emily@epa.gov

Message

From: Hackel, Angela [Hackel.Angela@epa.gov]
Sent: 8/5/2019 9:30:53 PM
To: Wheeler, Andrew [wheeler.andrew@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Shaw, Betsy [Shaw.Betsy@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Harlow, David [harlow.david@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]; White, Elizabeth [white.elizabeth@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Darwin, Henry [darwin.henry@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]
CC: Grantham, Nancy [Grantham.Nancy@epa.gov]; Richardson, RobinH [Richardson.RobinH@epa.gov]; Hope, Brian [Hope.Brian@epa.gov]; Lovell, Will (William) [lovell.william@epa.gov]; Iglesias, Amber [Iglesias.Amber@epa.gov]; Kime, Robin [Kime.Robin@epa.gov]; Nickerson, William [Nickerson.William@epa.gov]; Gordon, Stephen [gordon.stephen@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Atkinson, Emily [Atkinson.Emily@epa.gov]; DeBell, Kevin [debell.kevin@epa.gov]; Millett, John [Millett.John@epa.gov]; Sauerhage, Maggie [Sauerhage.Maggie@epa.gov]; DeLuca, Isabel [DeLuca.Isabel@epa.gov]; Long, Pam [Long.Pam@epa.gov]; Hamilton, Sabrina [Hamilton.Sabrina@epa.gov]; Terry, Sara [Terry.Sara@epa.gov]; Jentgen, Matthew [jentgen.matthew@epa.gov]; Lessard, Patrick [Lessard.Patrick@epa.gov]; Brachtel, Megan [Brachtel.Megan@epa.gov]; Herrington, Leigh [Herrington.Leigh@epa.gov]; Tax, Wienke [Tax.Wienke@epa.gov]; Burton, Tamika [burton.tamika@epa.gov]; Culligan, Kevin [Culligan.Kevin@epa.gov]; Cozzie, David [Cozzie.David@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]; Zenick, Elliott [Zenick.Elliott@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Thundiyil, Karen [Thundiyil.Karen@epa.gov]; Cortelyou-Lee, Jan [Cortelyou-Lee.Jan@epa.gov]; Mears, Mary [Mears.Mary@epa.gov]; Gaines, Cynthia [Gaines.Cynthia@epa.gov]; Manibusan, Mary [Manibusan.Mary@epa.gov]; Moritz, Brigitte [Moritz.Brigette@epa.gov]; Leavy, Jacqueline [Leavy.Jacqueline@epa.gov]; Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Nurse, Leanne [Nurse.Leanne@epa.gov]; Lamson, Amy [Lamson.Amy@epa.gov]; Walker, Sherri [Walker.Sherri@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Pritchard, Eileen [Pritchard.Eileen@epa.gov]
Subject: SIGNED: Proposed Rule- National Emission Standards for Hazardous Air Pollutants: Site Remediation Residual Risk and Technology Review
Attachments: San 6928_2.pdf

Good Afternoon,

Today the Administrator signed the proposed rule entitled, "**National Emission Standards for Hazardous Air Pollutants: Site Remediation Residual Risk and Technology Review**" (OAR-2018-0833).

The signed, proposed rule is attached. Please refer to page 121 for signature.

If you have any questions about this email, please let me know.

Sincerely,

Angela

Angela Hackel
Senior Advisor
Office of Public Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Washington, DC 20460

Office: 202.566.2977

Cell: Ex. 6 Personal Privacy (PP)

Message

From: Woods, Clint [woods.clint@epa.gov]
Sent: 9/24/2019 4:48:41 AM
To: Abboud, Michael [abboud.michael@epa.gov]
CC: Block, Molly [block.molly@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: Re: 092419 SIP correspondence.

<https://www.google.com/amp/s/www.nytimes.com/2019/09/24/climate/trump-california-climate-change.amp.html>

On Sep 23, 2019, at 7:25 PM, Abboud, Michael <abboud.michael@epa.gov> wrote:

<image1.jpeg>

Sent from my iPhone

On Sep 23, 2019, at 10:06 PM, Block, Molly <block.molly@epa.gov> wrote:

<https://www.sacbee.com/news/politics-government/capitol-alert/article235397887.html?>

Sent from my iPhone

On Sep 23, 2019, at 9:41 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Have a nice evening.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 Personal Privacy (PP)

Begin forwarded message:

From: "Jackson, Ryan" <jackson.ryan@epa.gov>
Date: September 23, 2019 at 9:39:15 PM EDT
To: "mnichols@arb.ca.gov" <mnichols@arb.ca.gov>, "richard.corey@arb.ca.gov" <richard.corey@arb.ca.gov>
Subject: 092419 SIP correspondence.

Please see the attached correspondence from Administrator Wheeler. EPA looks forward to working with you on these matters.

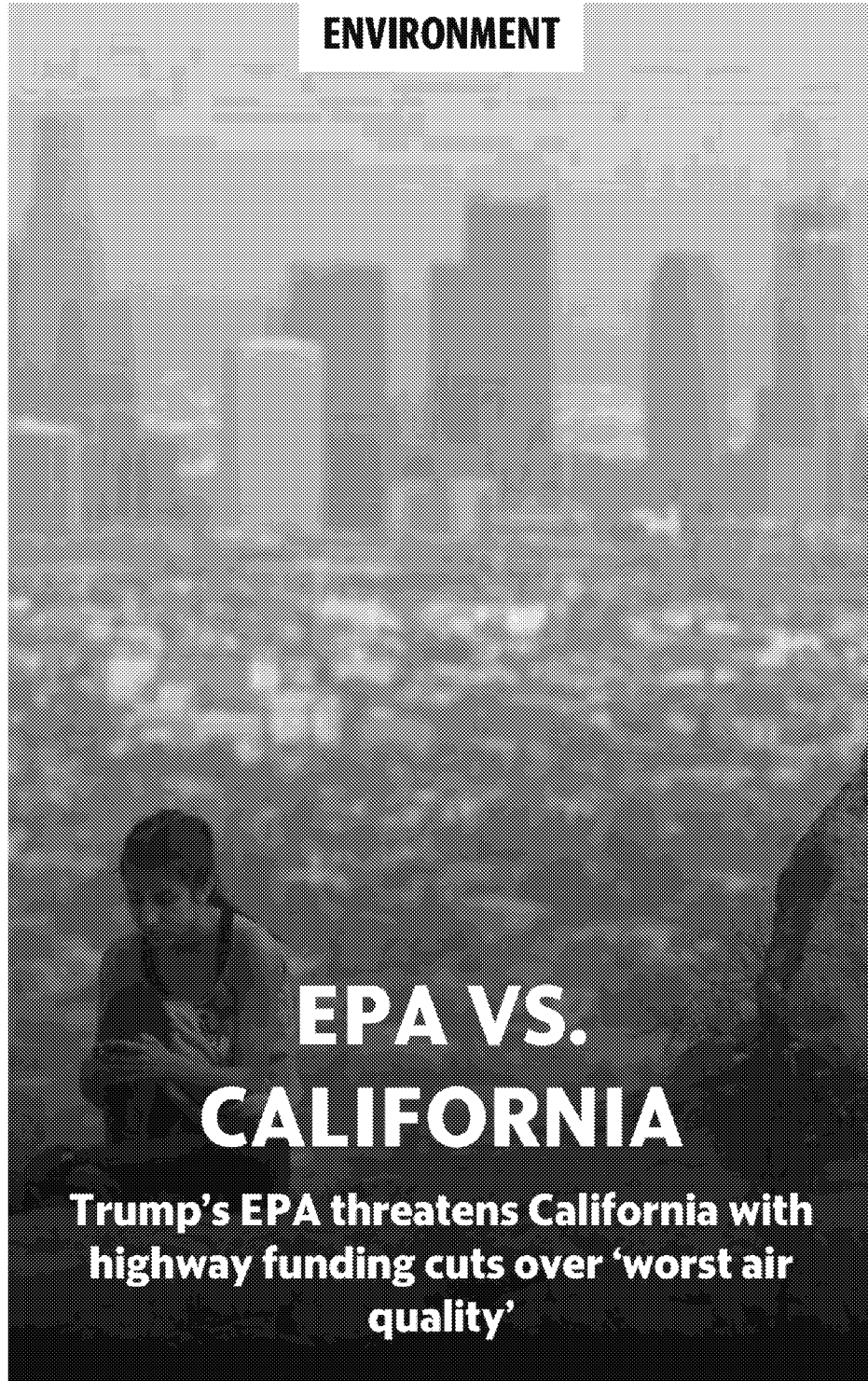
Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 Personal Privacy (PP)

<image2019-09-23-045219.pdf>



ENVIRONMENT



EPA VS. CALIFORNIA

**Trump's EPA threatens California with
highway funding cuts over 'worst air
quality'**



Message

From: Block, Molly [block.molly@epa.gov]
Sent: 9/24/2019 2:06:27 AM
To: Grantham, Nancy [Grantham.Nancy@epa.gov]
CC: Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Harlow, David [harlow.david@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]
Subject: Re: Tomorrow's logistics

<https://www.sacbee.com/news/politics-government/capitol-alert/article235397887.html?>

Sent from my iPhone

On Sep 23, 2019, at 9:22 PM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

Got it

Sent from my iPhone

On Sep 23, 2019, at 6:37 PM, Block, Molly <block.molly@epa.gov> wrote:

Hey team –

This should have all the info you need/want for tomorrow's call/press (with responsibilities). Please let me know if you have any questions. I've attached the letter above (we'll need a link to this as well). Thanks team!

Run of Show

10:30 am: Andrea Woods sends around list of press RSVPs
10:45 am: Molly logs on to leaderview and briefs the operator
10:55 am: Andrea Woods sends email call RSVPs (on BCC) with letter (attached)
11:00 am: Web goes live (Nancy)
11:00 am: Press release goes out (Andrea)
11:00 am: Molly opens the press call (script below)
11:02 – 11:06 am: Clint opening remarks on letter (draft language below)
11:06 – 11:25 am: Q&A from press
11:25 am: Molly closing
11:30 am: Hard stop

Call Information

Conference ID: Ex. 6 Personal Privacy (PP)

****Leader call-in number:** Ex. 6 Personal Privacy (PP)

Press call-in number: 877-317-0679

****NOTE:** The only people using the leader call-in line will be myself (+ team OPA in my office) and Clint. We need to do this because I initially gave this line out to press (SORRY!), so I will instruct the operator that there will only be two call-in numbers and the other one is Clint's cell phone. Please let me know if this is going to be an issue.

Script

Molly: Thank you all for joining us this morning for a background press briefing. I will soon turn the call over to EPA's Office of Air and Radiation Deputy Assistant Administrator Clint Woods. This is a background briefing, as such you may attribute information you learn on this call to an EPA senior official. You are free to report on this information in real time. After Mr. Woods' opening remarks we will open up the call to questions from the press. Thanks again for joining us and I will now turn the call over to Deputy Assistant Administrator Woods.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

I will now open up the floor to questions.

Molly: Thanks Clint. Now our operator NAME will instruct interested members of the press how to ask a question. When your line is open, please state your name and affiliation. Thanks.

Operator: If you're interested in asking a question please press star 1 at this time...

Q&A

Molly: That's all the time we have for today's call. As I said earlier the information on this call is for background purposes and you are free to report on this now. Thanks for joining us this morning. If you have any follow up questions/questions that weren't answered, please email press@epa.gov and we will get back to you. Have a wonderful day. Goodbye.

Molly Block
Senior Advisor

U.S. Environmental Protection Agency

<California NAAQS SIP.pdf>

From: Abboud, Michael [abboud.michael@epa.gov]
Sent: 9/23/2019 10:51:38 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
CC: Block, Molly [block.molly@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Harlow, David [harlow.david@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]
Subject: Re: Tomorrow's logistics

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Sep 23, 2019, at 6:45 PM, Schiermeyer, Corry <schiermeyer.corry@epa.gov> wrote:

Great info. Thank you Molly!

Sent from my iPhone

On Sep 23, 2019, at 6:37 PM, Block, Molly <block.molly@epa.gov> wrote:

Hey team –

This should have all the info you need/want for tomorrow's call/press (with responsibilities). Please let me know if you have any questions. I've attached the letter above (we'll need a link to this as well). Thanks team!

Run of Show

10:30 am: Andrea Woods sends around list of press RSVPs
10:45 am: Molly logs on to leaderview and briefs the operator
10:55 am: Andrea Woods sends email call RSVPs (on BCC) with letter (attached)
11:00 am: Web goes live (Nancy)
11:00 am: Press release goes out (Andrea)
11:00 am: Molly opens the press call (script below)
11:02 – 11:06 am: Clint opening remarks on letter (draft language below)
11:06 – 11:25 am: Q&A from press
11:25 am: Molly closing
11:30 am: Hard stop

Call Information

Conference ID: Ex. 6 Personal Privacy (PP)

****Leader call-in number:** Ex. 6 Personal Privacy (PP)

Press call-in number: 877-317-0679

****NOTE:** The only people using the leader call-in line will be myself (+ team OPA in my office) and Clint. We need to do this because I initially gave this line out to press (SORRY!), so I will instruct the operator that there will only be two call-in numbers and the other one is Clint's cell phone. Please let me know if this is going to be an issue.

Script

Molly: Thank you all for joining us this morning for a background press briefing. I will soon turn the call over to EPA's Office of Air and Radiation Deputy Assistant Administrator Clint Woods. This is a background briefing, as such you may attribute information you learn on this call to an EPA senior official. You are free to report on this information in real time. After Mr. Woods' opening remarks we will open up the call to questions from the press. Thanks again for joining us and I will now turn the call over to Deputy Assistant Administrator Woods.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

I will now open up the floor to questions.

Molly: Thanks Clint. Now our operator NAME will instruct interested members of the press how to ask a question. When your line is open, please state your name and affiliation. Thanks.

Operator: If you're interested in asking a question please press star 1 at this time...

Q&A

Molly: That's all the time we have for today's call. As I said earlier the information on this call is for background purposes and you are free to report on this now. Thanks for joining us this morning. If you have any follow up questions/questions that weren't answered, please email press@epa.gov and we will get back to you. Have a wonderful day. Goodbye.

Molly Block

Senior Advisor
U.S. Environmental Protection Agency

<California NAAQS SIP.pdf>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

September 24, 2019

THE ADMINISTRATOR

Ms. Mary D. Nichols
Chair
California Air Resources Board
1001 I Street, P.O. Box 2815
Sacramento, California 95812

Dear Ms. Nichols:

The U.S. Environmental Protection Agency and California Air Resources Board play a critical role in protecting public health through implementing National Ambient Air Quality Standards under the federal *Clean Air Act*. In particular, the state of California facilitates the submittal of State Implementation Plans from its 35 local air districts with *Clean Air Act* responsibilities.

A SIP is a collection of regulations and documents used by a state, territory or local air district to reduce air pollution in areas that do not meet NAAQS. Failure to carry out this SIP responsibility correctly, including submitting timely and approvable plans to assure attainment of the NAAQS, can put at risk the health and livelihood of millions of Americans. As part of our fundamental *Clean Air Act* responsibilities, I have recommitted the EPA to act quickly to approve or disapprove SIPs and to dramatically reduce the backlog of SIPs nationally.

Since the 1970s, California has failed to carry out its most basic tasks under the Clean Air Act. California has the worst air quality in the United States, with 82 nonattainment areas and 34 million people living in areas that do not meet National Ambient Air Quality Standards – more than twice as many people as any other state in the country. As evidenced by the EPA's recent work on interstate air pollution issues as well as analysis accompanying its rulemakings, California's chronic air quality problems are not the result of cross-state air pollution or this Administration's regulatory reform efforts.

In addition, the state of California represents a disproportionate share of the national list of backlogged SIPs, including roughly one-third of the EPA's overall SIP backlog. California's total portion of the SIP backlog is more than 130 SIPs, with many dating back decades. Most of these SIPs are inactive and appear to have fundamental issues related to approvability, state-requested holds, missing information or resources. For example, these SIPs include key ozone NAAQS attainment plans for the following areas:

- Coachella Valley for 1997 and 2008 ozone NAAQS

- Sacramento Metro for 2008 ozone NAAQS
- Western Nevada County for 2008 ozone NAAQS
- Ventura County for 1997 and 2008 ozone NAAQS

We recommend that California withdraw its backlogged and unapprovable SIPs and work with the EPA to develop complete, approvable SIPs. In the event California fails to withdraw them, the EPA will begin the disapproval process consistent with applicable statutory and regulatory requirements.

As you know, if the EPA disapproves a SIP, that triggers statutory clocks for:

- Highway funding sanctions, which could result in a prohibition on federal transportation projects and grants in certain parts of California;
- New Source Review permitting sanctions; and
- A deadline for the issuance of a Federal Implementation Plan.

We certainly want to avoid these statutory triggers, but our foremost concern must be ensuring clean air for all Americans. That is our goal.

To ensure that we are making progress on improving air quality in California, we request a response from CARB by October 10 indicating whether it intends to withdraw these SIPs.

Sincerely,



Andrew R. Wheeler

Message

From: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Sent: 9/18/2019 7:26:51 PM
To: Ditto, Jessica E. EOP/WHO [Ex. 6 Personal Privacy (PP)] Semmel, Rachel K. EOP/OMB
[Ex. 6 Personal Privacy (PP)] Bradford, Stephen (OST) [stephen.bradford@dot.gov]; Deere, Judd P. EOP/WHO
[Ex. 6 Personal Privacy (PP)] Abboud, Michael [abboud.michael@epa.gov]; Post, Andy (OST)
[Andy.Post@dot.gov]; Jennings, Chase W. EOP/OMB [Ex. 6 Personal Privacy (PP)]
CC: Brooke, Francis J. Jr. EOP/WHO [Ex. 6 Personal Privacy (PP)] Kennedy, Adam R. EOP/WHO
[Ex. 6 Personal Privacy (PP)] Idsal, Anne [idsal.anne@epa.gov]; Olmem, Andrew J. EOP/WHO
[Ex. 6 Personal Privacy (PP)] Kan, Derek T. EOP/OMB [Ex. 6 Personal Privacy (PP)] Symonds, Tori Q.
EOP/WHO [Ex. 6 Personal Privacy (PP)] Burris, Meghan K. EOP/WHO [Ex. 6 Personal Privacy (PP)]
Henning, Alexa A. EOP/WHO [Ex. 6 Personal Privacy (PP)]
Subject: RE: Rollout docs
Attachments: Waiver CA draft release9.18.19 (002).docx

Flag: Flag for follow up

This includes DOT's updated quote. Clean version

From: Schiermeyer, Corry
Sent: Wednesday, September 18, 2019 2:15 PM
To: 'Ditto, Jessica E. EOP/WHO' [Ex. 6 Personal Privacy (PP)] Semmel, Rachel K. EOP/OMB
[Ex. 6 Personal Privacy (PP)] Bradford, Stephen (OST) <stephen.bradford@dot.gov>; Deere, Judd P. EOP/WHO
[Ex. 6 Personal Privacy (PP)] Abboud, Michael <abboud.michael@epa.gov>; Post, Andy (OST)
<Andy.Post@dot.gov>; Jennings, Chase W. EOP/OMB < [Ex. 6 Personal Privacy (PP)]
Cc: Brooke, Francis J. Jr. EOP/WHO [Ex. 6 Personal Privacy (PP)] Kennedy, Adam R. EOP/WHO
[Ex. 6 Personal Privacy (PP)] Idsal, Anne <idsal.anne@epa.gov>; Olmem, Andrew J. EOP/WHO
[Ex. 6 Personal Privacy (PP)] Kan, Derek T. EOP/OMB [Ex. 6 Personal Privacy (PP)] Symonds, Tori Q. EOP/WHO
[Ex. 6 Personal Privacy (PP)] Burris, Meghan K. EOP/WHO [Ex. 6 Personal Privacy (PP)] Henning, Alexa A.
EOP/WHO [Ex. 6 Personal Privacy (PP)]
Subject: RE: Rollout docs

Ex. 5 Deliberative Process (DP)

From: Ditto, Jessica E. EOP/WHO < [Ex. 6 Personal Privacy (PP)]
Sent: Wednesday, September 18, 2019 1:41 PM
To: Semmel, Rachel K. EOP/OMB [Ex. 6 Personal Privacy (PP)] Schiermeyer, Corry <schiermeyer.corry@epa.gov>;
Bradford, Stephen (OST) <stephen.bradford@dot.gov>; Deere, Judd P. EOP/WHO < [Ex. 6 Personal Privacy (PP)]
Abboud, Michael <abboud.michael@epa.gov>; Post, Andy (OST) <Andy.Post@dot.gov>; Jennings, Chase W. EOP/OMB
< [Ex. 6 Personal Privacy (PP)]
Cc: Brooke, Francis J. Jr. EOP/WHO < [Ex. 6 Personal Privacy (PP)] Kennedy, Adam R. EOP/WHO
[Ex. 6 Personal Privacy (PP)] Idsal, Anne <idsal.anne@epa.gov>; Olmem, Andrew J. EOP/WHO
[Ex. 6 Personal Privacy (PP)] Kan, Derek T. EOP/OMB [Ex. 6 Personal Privacy (PP)] Symonds, Tori Q. EOP/WHO
[Ex. 6 Personal Privacy (PP)] Burris, Meghan K. EOP/WHO [Ex. 6 Personal Privacy (PP)] Henning, Alexa A.
EOP/WHO < [Ex. 6 Personal Privacy (PP)]
Subject: RE: Rollout docs

Ex. 5 Deliberative Process (DP)

From: Semmel, Rachel K. EOP/OMB <[Ex. 6 Personal Privacy (PP)]>
Sent: Wednesday, September 18, 2019 1:38 PM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Bradford, Stephen (OST) <stephen.bradford@dot.gov>; Deere, Judd P. EOP/WHO <[Ex. 6 Personal Privacy (PP)]>; Abboud, Michael <abboud.michael@epa.gov>; Post, Andy (OST) <Andy.Post@dot.gov>; Jennings, Chase W. EOP/OMB <[Ex. 6 Personal Privacy (PP)]>
Cc: Brooke, Francis J. Jr. EOP/WHO <[Ex. 6 Personal Privacy (PP)]>; Kennedy, Adam R. EOP/WHO <[Ex. 6 Personal Privacy (PP)]>; Idsal, Anne <idsal.anne@epa.gov>; Olmem, Andrew J. EOP/WHO <[Ex. 6 Personal Privacy (PP)]>; Kan, Derek T. EOP/OMB <[Ex. 6 Personal Privacy (PP)]>; Symonds, Tori Q. EOP/WHO <[Ex. 6 Personal Privacy (PP)]>; Ditto, Jessica E. EOP/WHO <[Ex. 6 Personal Privacy (PP)]>; Burris, Meghan K. EOP/WHO <[Ex. 6 Personal Privacy (PP)]>; Henning, Alexa A. EOP/WHO <[Ex. 6 Personal Privacy (PP)]>
Subject: RE: Rollout docs

Thanks, Corry! Adding the others who were in the meeting this am to make sure they see it.

Attached are some edits and thoughts.

Ex. 5 Deliberative Process (DP)

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Wednesday, September 18, 2019 11:42 AM
To: Bradford, Stephen (OST) <stephen.bradford@dot.gov>; Deere, Judd P. EOP/WHO <[Ex. 6 Personal Privacy (PP)]>; Semmel, Rachel K. EOP/OMB <[Ex. 6 Personal Privacy (PP)]>; Abboud, Michael <abboud.michael@epa.gov>; Post, Andy (OST) <Andy.Post@dot.gov>; Jennings, Chase W. EOP/OMB <[Ex. 6 Personal Privacy (PP)]>
Cc: Brooke, Francis J. Jr. EOP/WHO <[Ex. 6 Personal Privacy (PP)]>; Kennedy, Adam R. EOP/WHO <[Ex. 6 Personal Privacy (PP)]>; Idsal, Anne <idsal.anne@epa.gov>; Olmem, Andrew J. EOP/WHO <[Ex. 6 Personal Privacy (PP)]>; Kan, Derek T. EOP/OMB <[Ex. 6 Personal Privacy (PP)]>; Symonds, Tori Q. EOP/WHO <[Ex. 6 Personal Privacy (PP)]>
Subject: RE: Rollout docs

Updated press release and talking points.

Please share if I have missed someone that needs to be added.

Thank you.

From: Schiermeyer, Corry
Sent: Tuesday, September 17, 2019 4:27 PM
To: Bradford, Stephen (OST) <stephen.bradford@dot.gov>; Deere, Judd P. EOP/WHO <[Ex. 6 Personal Privacy (PP)]>; Semmel, Rachel K. EOP/OMB <[Ex. 6 Personal Privacy (PP)]>; Abboud, Michael <abboud.michael@epa.gov>; Post, Andy (OST) <Andy.Post@dot.gov>; Jennings, Chase W. EOP/OMB <[Ex. 6 Personal Privacy (PP)]>
Cc: Brooke, Francis J. Jr. EOP/WHO <[Ex. 6 Personal Privacy (PP)]>; Kennedy, Adam R. EOP/WHO <[Ex. 6 Personal Privacy (PP)]>; Idsal, Anne <idsal.anne@epa.gov>; Olmem, Andrew J. EOP/WHO <[Ex. 6 Personal Privacy (PP)]>; Kan, Derek T. EOP/OMB <[Ex. 6 Personal Privacy (PP)]>
Subject: RE: Rollout docs

Updated.. **Ex. 5 Deliberative Process (DP)**

Thank you!

From: Bradford, Stephen (OST) <stephen.bradford@dot.gov>
Sent: Tuesday, September 17, 2019 4:17 PM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Deere, Judd P. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Semmel, Rachel K. EOP/OMB <Ex. 6 Personal Privacy (PP)>; Abboud, Michael <abboud.michael@epa.gov>; Post, Andy (OST) <Andy.Post@dot.gov>; Jennings, Chase W. EOP/OMB <Ex. 6 Personal Privacy (PP)>
Cc: Brooke, Francis J. Jr. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Kennedy, Adam R. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Idsal, Anne <idsal.anne@epa.gov>; Olmem, Andrew J. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Kan, Derek T. EOP/OMB <Ex. 6 Personal Privacy (PP)>
Subject: RE: Rollout docs

We would concur with EPA there

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Tuesday, September 17, 2019 4:13 PM
To: Deere, Judd P. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Semmel, Rachel K. EOP/OMB <Ex. 6 Personal Privacy (PP)>; Bradford, Stephen (OST) <stephen.bradford@dot.gov>; abboud.michael <abboud.michael@epa.gov>; Post, Andy (OST) <Andy.Post@dot.gov>; Jennings, Chase W. EOP/OMB <Ex. 6 Personal Privacy (PP)>
Cc: Brooke, Francis J. Jr. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Kennedy, Adam R. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Idsal, Anne <idsal.anne@epa.gov>; Olmem, Andrew J. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Kan, Derek T. EOP/OMB <Ex. 6 Personal Privacy (PP)>
Subject: RE: Rollout docs

Ex. 5 Deliberative Process (DP)

From: Deere, Judd P. EOP/WHO <Ex. 6 Personal Privacy (PP)>
Sent: Tuesday, September 17, 2019 3:47 PM
To: Semmel, Rachel K. EOP/OMB <Ex. 6 Personal Privacy (PP)>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Bradford, Stephen (OST) <stephen.bradford@dot.gov>; Abboud, Michael <abboud.michael@epa.gov>; Post, Andy (OST) <Andy.Post@dot.gov>; Jennings, Chase W. EOP/OMB <Ex. 6 Personal Privacy (PP)>
Cc: Brooke, Francis J. Jr. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Kennedy, Adam R. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Idsal, Anne <idsal.anne@epa.gov>; Olmem, Andrew J. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Kan, Derek T. EOP/OMB <Ex. 6 Personal Privacy (PP)>
Subject: RE: Rollout docs

Ex. 5 Deliberative Process (DP)

From: Semmel, Rachel K. EOP/OMB <Ex. 6 Personal Privacy (PP)>
Sent: Tuesday, September 17, 2019 3:29 PM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Bradford, Stephen (OST) <stephen.bradford@dot.gov>; Abboud, Michael <abboud.michael@epa.gov>; Post, Andy (OST) <Andy.Post@dot.gov>; Jennings, Chase W. EOP/OMB <Ex. 6 Personal Privacy (PP)>
Cc: Brooke, Francis J. Jr. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Kennedy, Adam R. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Deere, Judd P. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Idsal, Anne <idsal.anne@epa.gov>; Olmem, Andrew J. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Kan, Derek T. EOP/OMB <Ex. 6 Personal Privacy (PP)>
Subject: RE: Rollout docs

Thanks, Corry!

Ex. 5 Deliberative Process (DP)

Update on our end at OIRA. 90% chance we are able to receive what we need on our end to conclude in time for tomorrow. Will confirm that when I can.

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>

Sent: Tuesday, September 17, 2019 11:59 AM

To: Semmel, Rachel K. EOP/OMB <Ex. 6 Personal Privacy (PP)>; Bradford, Stephen (OST) <stephen.bradford@dot.gov>; Abboud, Michael <abboud.michael@epa.gov>; Post, Andy (OST) <Andy.Post@dot.gov>; Jennings, Chase W. EOP/OMB <Ex. 6 Personal Privacy (PP)>

Cc: Brooke, Francis J. Jr. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Kennedy, Adam R. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Deere, Judd P. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Idsal, Anne <idsal.anne@epa.gov>

Subject: Rollout docs

Hello Francis,

Attached is the draft joint press release and draft talking points.

Please let me know if you all have any questions.

Corry Schiermeyer
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
Schiermeyer.corry@epa.gov
202-564-6782

From: Semmel, Rachel K. EOP/OMB <Ex. 6 Personal Privacy (PP)>

Sent: Tuesday, September 17, 2019 11:10 AM

To: Bradford, Stephen (OST) <stephen.bradford@dot.gov>; Abboud, Michael <abboud.michael@epa.gov>; Post, Andy (OST) <Andy.Post@dot.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Jennings, Chase W. EOP/OMB <Ex. 6 Personal Privacy (PP)>

Cc: Brooke, Francis J. Jr. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Kennedy, Adam R. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Deere, Judd P. EOP/WHO <Ex. 6 Personal Privacy (PP)>

Subject: RE: Rollout recap/oped

Ex. 5 Deliberative Process (DP)

From: Bradford, Stephen (OST) <stephen.bradford@dot.gov>

Sent: Tuesday, September 17, 2019 11:05 AM

To: Semmel, Rachel K. EOP/OMB <Ex. 6 Personal Privacy (PP)>; abboud.michael <abboud.michael@epa.gov>; Post, Andy (OST) <Andy.Post@dot.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Jennings, Chase W. EOP/OMB <Ex. 6 Personal Privacy (PP)>

Cc: Brooke, Francis J. Jr. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Kennedy, Adam R. EOP/WHO

< Ex. 6 Personal Privacy (PP) >; Deere, Judd P. EOP/WHO < Ex. 6 Personal Privacy (PP) >
Subject: RE: Rollout recap/oped

Ex. 5 Deliberative Process (DP)

We will take a look but probably needs some revisions.

From: Semmel, Rachel K. EOP/OMB < Ex. 6 Personal Privacy (PP) >
Sent: Tuesday, September 17, 2019 11:01 AM
To: abboud.michael <abboud.michael@epa.gov>; Post, Andy (OST) <Andy.Post@dot.gov>; Bradford, Stephen (OST) <stephen.bradford@dot.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Jennings, Chase W. EOP/OMB < Ex. 6 Personal Privacy (PP) >
Cc: Brooke, Francis J. Jr. EOP/WHO < Ex. 6 Personal Privacy (PP) > Kennedy, Adam R. EOP/WHO < Ex. 6 Personal Privacy (PP) > Deere, Judd P. EOP/WHO < Ex. 6 Personal Privacy (PP) >
Subject: Rollout recap/oped

Ex. 5 Deliberative Process (DP)

I'll also keep you posted when we hear back about conclusion this afternoon.

Rachel Semmel
Associate Director of Communications
The White House, Office of Management and Budget
202.456.6364 work

Ex. 6 Personal Privacy (PP)

Message

From: Atkinson, Emily [Atkinson.Emily@epa.gov]
Sent: 8/16/2019 7:17:53 PM
To: Wheeler, Andrew [wheeler.andrew@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Shaw, Betsy [Shaw.Betsy@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Harlow, David [harlow.david@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]; White, Elizabeth [white.elizabeth@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Darwin, Henry [darwin.henry@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
CC: Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Richardson, RobinH [Richardson.RobinH@epa.gov]; Lovell, Will (William) [lovell.william@epa.gov]; Kime, Robin [Kime.Robin@epa.gov]; Nickerson, William [Nickerson.William@epa.gov]; Pritchard, Eileen [Pritchard.Eileen@epa.gov]; Gordon, Stephen [gordon.stephen@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; DeBell, Kevin [debell.kevin@epa.gov]; Millett, John [Millett.John@epa.gov]; Sauerhage, Maggie [Sauerhage.Maggie@epa.gov]; DeLuca, Isabel [DeLuca.Isabel@epa.gov]; Burch, Julia [Burch.Julia@epa.gov]; Hackel, Angela [Hackel.Angela@epa.gov]; Burton, Tamika [burton.tamika@epa.gov]; Manibusan, Mary [Manibusan.Mary@epa.gov]; Gaines, Cynthia [Gaines.Cynthia@epa.gov]; Hope, Brian [Hope.Brian@epa.gov]; Leavy, Jacqueline [Leavy.Jacqueline@epa.gov]; Moritz, Brigitte [Moritz.Brigette@epa.gov]; Thundiyl, Karen [Thundiyl.Karen@epa.gov]; Hall-Jordan, Luke [Hall-Jordan.Luke@epa.gov]; Sleasman, Katherine [Sleasman.Katherine@epa.gov]; Newberg, Cindy [Newberg.Cindy@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Iglesias, Amber [Iglesias.Amber@epa.gov]; Culligan, Kevin [Culligan.Kevin@epa.gov]; Noonan, Jenny [Noonan.Jenny@epa.gov]; Cortelyou-Lee, Jan [Cortelyou-Lee.Jan@epa.gov]; Ashley, Jackie [Ashley.Jackie@epa.gov]; Bremer, Kristen [Bremer.Kristen@epa.gov]; Davis, Alison [Davis.Alison@epa.gov]; Morgan, Ruthw [morgan.ruthw@epa.gov]; Mocka, Corey [mocka.corey@epa.gov]; Smith, Darcie [Smith.Darcie@epa.gov]
Subject: SIGNED: Proposed Rule: National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks; Surface Coating of Miscellaneous Metal Parts and Products (SAN 6006; RIN 2060-AT49)
Attachments: OAR-19-000-6924.pdf

Good Afternoon,

Today the Administrator signed the proposed rule entitled, **“National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks; Surface Coating of Miscellaneous Metal Parts and Products; Surface Coating of Plastic Parts and Products; Surface Coating of Large Appliances; Printing, Coating, and Dyeing of Fabrics and Other Textiles; and Surface Coating of Metal Furniture Residual Risk and Technology Review.”**

The signed, proposed rule is attached. Please refer to page 197 for signature.

If you have any questions about this email, please let me know.

Sincerely,
Emily

Emily Atkinson
Program Coordinator for the Lead Region System
Office of Intergovernmental Relations, USEPA
Room 3443B, 1200 Pennsylvania Avenue NW
Washington, DC 20460
Voice: 202-564-1850
Email: atkinson.emily@epa.gov

Message

From: Woods, Clint [woods.clint@epa.gov]
Sent: 9/19/2019 8:28:06 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Harlow, David [harlow.david@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: Updates to SIP Letter
Attachments: SIP LETTER EDIT 09192019 io v2.docx

Updated version attached – Thanks!

From: Benevento, Douglas <benevento.douglas@epa.gov>
Sent: Thursday, September 19, 2019 2:58 PM
To: Woods, Clint <woods.clint@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: Updates to SIP Letter

I think this is a good letter. I revised it slightly and made no substantive changes. **Ex. 5 Deliberative Process (DP)**
Ex. 5 Deliberative Process (DP) Can you add that in, make any final comments and then Anne we'll have the 830 tomorrow and let's talk about it then or immediately afterwards. Sorry this is not in track changes

Thank you

From: Woods, Clint <woods.clint@epa.gov>
Sent: Thursday, September 19, 2019 1:08 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Updates to SIP Letter

Attached- Thanks!

Message

From: Woods, Clint [woods.clint@epa.gov]
Sent: 10/2/2019 9:38:49 PM
To: Abboud, Michael [abboud.michael@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]; Mills, William T. [mills.williamt@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Cory, Preston (Katherine) [Cory.Preston@epa.gov]
CC: Woods, Andrea [Woods.Andrea@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Block, Molly [block.molly@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
Subject: RE: Random question

+ Brittany. They are referring to OMB EO12866 meetings, hosted by OIRA, that were previously scheduled on SAFE. For some reason, OMB has not reflected that SAFE step 2 is still going through the interagency process and is mistakenly cancelling scheduled meetings.

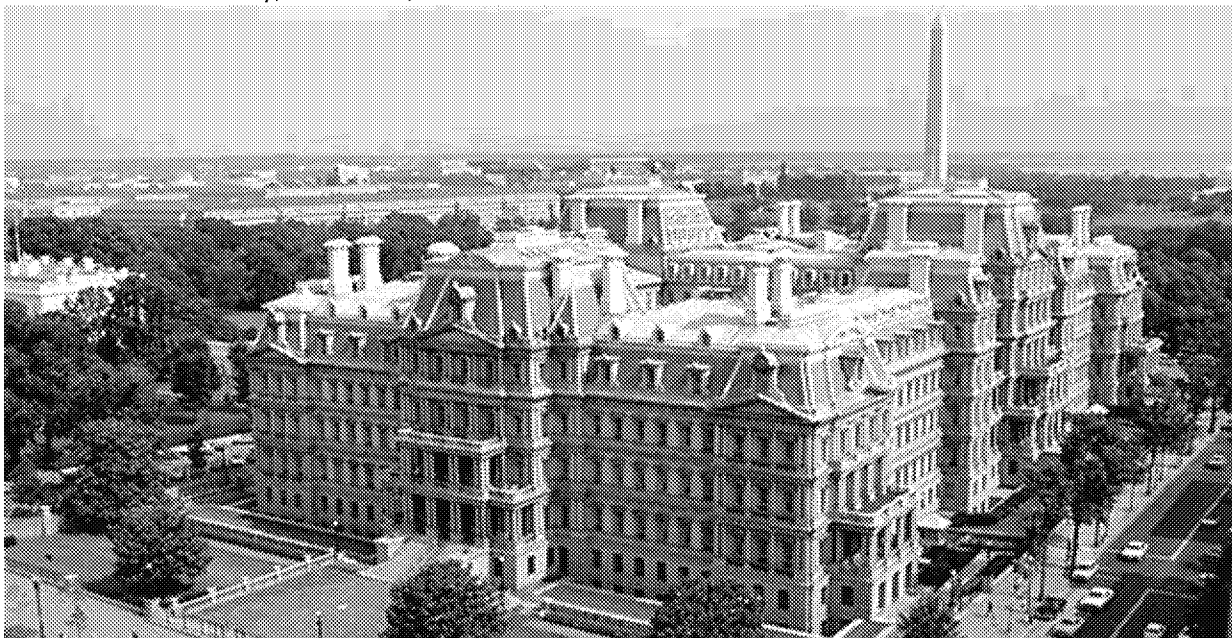
From: Abboud, Michael <abboud.michael@epa.gov>
Sent: Wednesday, October 2, 2019 4:33 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>; Mills, William T. <mills.williamt@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Cc: Woods, Andrea <Woods.Andrea@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Block, Molly <block.molly@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: Random question

Did these groups reach out to us at all for a meeting? We weren't asked by Maxine.

White House denied air regulators meetings

Maxine Joselow, E&E News reporter

Published: Wednesday, October 2, 2019



The Eisenhower Executive Office Building houses the Office of Management and Budget workers responsible for scrutinizing federal rules. White House/Wikipedia

The White House refused to meet with two groups of air pollution regulators regarding its rollback of clean car standards, despite holding several meetings with industry advocates.

Late last night, the White House Office of Management and Budget denied requests for meetings on the clean cars rollback from the California Air Resources Board and the National Association of Clean Air Agencies.

The rejection came after OMB had already met with seven other groups, including industry heavyweights such as the American Chemistry Council, the U.S. Chamber of Commerce and Chemours Co., according to [Reginfo.gov](https://www.reginfo.gov).

Miles Keogh, executive director of NACAA, first informed E&E News of the rejection. He called the move puzzling in an interview this morning.

"The fact that they took meetings from groups like Chemours, but not from the people who actually administer the Clean Air Act, is a puzzlement," he said. "There's no rhyme or reason to who they selected."

Keogh said NACAA submitted its request to meet with OMB a couple of days after the rollback went under review.

"Since we were pretty quick at making that request, it doesn't seem to have been a first-come, first-served decision," he said.

OMB did meet with one air pollution regulator: the South Coast Air Quality Management District, which oversees the South Coast Air Basin in Southern California.

"They did meet with South Coast, which is great," Keogh said. "But that being the only state or local agency that they met with is a real head-scratcher."

Stanley Young, a spokesman for the California Air Resources Board, also confirmed to E&E News that the board's meeting request was denied.

"We sent an email for a formal request for a meeting with OMB on Aug. 27 and followed up on Sept. 13," Young said in a phone interview this morning. "We never got a formal schedule or formal notification that we had a meeting at all. ... Then yesterday, we got notification that the meeting, which we knew nothing about, was canceled."

OMB didn't immediately respond to requests for comment this morning.

A spokeswoman for the American Chemistry Council previously told E&E News that the group's Sept. 11 meeting with OMB centered on "problematic language" in the rollback regarding vehicle weight.

"Our discussion with OMB and EPA this afternoon will focus on problematic language in the rule concerning vehicle lightweighting and safety," spokeswoman Jennifer Killinger said in an email at the time.

The Trump administration has argued that automakers often achieve increases in fuel economy by making their vehicles lighter, which it says makes them less safe. It has used this argument to justify its assertion that the rollback will increase safety on the nation's roads.

But ACC testified about the perceived flaws in this argument at a House Energy and Commerce subcommittee hearing in January.

"Agency arguments that smaller, lighter cars have had the highest fatal-crash rates are based on outdated technologies and practices, and fail to account for technologies which, in combination with mass reduction, maintain and improve safety," the group said.

Backing away from a freeze?

The main portion of the rollback involves dialing back vehicle greenhouse gas and fuel economy standards for cars and light trucks.

Sources had previously suggested that the Trump administration would propose freezing fuel economy standards at 2020 levels through 2026.

But *Axios* [reported](#) this morning that the administration could end up proposing modest fuel economy gains, citing people familiar with the matter.

Gloria Bergquist, a spokeswoman for the Alliance of Automobile Manufacturers, said the administration has always appeared open to a variety of possibilities for revising the Obama-era standards.

"When the Administration proposed its rule last year, they presented 8 options, everything from flat to the Obama standards," Bergquist said in an email. "Many groups just assumed the standards would be a freeze, or flat since that was the Administration's preferred option as public comment was solicited."

She added, "The Administration seems to be following the process from the past 30 years, gathering all kinds of data on gas prices, affordability, consumer buying trends and more, and then crunching it to set the maximum feasible standards under statutory obligations set by Congress. Only the Administration crunching that data knows what the final [corporate average fuel economy]/GHG standards will be, and we are all eager to find out."

EPA didn't immediately respond to a request for comment.

Michael Abboud

U.S. Environmental Protection Agency

Office of Public Affairs

M: 202-564-6461

Message

From: Woods, Clint [woods.clint@epa.gov]
Sent: 9/30/2019 7:42:11 PM
To: Block, Molly [block.molly@epa.gov]
CC: Idsal, Anne [idsal.anne@epa.gov]; Harlow, David [harlow.david@epa.gov]; Cory, Preston (Katherine) [Cory.Preston@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]
Subject: Re: question re California and air emissions

California has been granted Clean Air Act waivers for a wide variety of emissions from a wide variety of vehicle types: <https://www.epa.gov/state-and-local-transportation/vehicle-emissions-california-waivers-and-authorizations>

EPA and its state and local partners continue to see substantial reductions in emissions that contribute to ozone, particulate matter, and other criteria pollutants across the country: <https://www.epa.gov/newsreleases/air-pollution-trends-show-cleaner-air-growing-economy-0>

On Sep 30, 2019, at 3:08 PM, Block, Molly <block.molly@epa.gov> wrote:

Anything we want to say here?

From: Jennifer A. Dlouhy (BLOOMBERG/ NEWSROOM:) <jdlohy1@bloomberg.net>
Sent: Monday, September 30, 2019 2:15 PM
To: Press <Press@epa.gov>
Subject: question re California and air emissions

Good afternoon again!

As you know, I sent a separate query regarding the timing of the Cleaner Trucks Initiative.

I'm working on a piece looking at California's air pollution problem, in light of the notification to CARB last week re inadequate, unapproved SIPs.

California air regulators generally say they are doing what they can but have limited authority to go after some mobile sources, such as trains, ships and planes.

Activists and experts generally say California and its air quality management districts could do more to rein in emissions (particularly on stationary sources such as airports/ports tied to planes and ships) but also stress that more needs to be done at the federal level to go after emissions from these other mobile sources. Essentially, their argument, after the notification last week, is that if the EPA is eager to help California reduce criteria air pollutants, the agency can, by getting tougher on airplanes and ships.

Does EPA have a comment on this? If you do, it'd be great to have it by midday tomorrow.

Thanks,
Jen.

Jennifer A. Dlouhy
jdlohy1@bloomberg.net / jendlouhyenergy@gmail.com
reporterjen@protonmail.com
Desk: 202.807.2159
Cell/Text/Signal: Ex. 6 Personal Privacy (PP)
Twitter: @jendlouhyhc
Stories: <http://bloom.bg/23Crpvk>

Message

From: Block, Molly [block.molly@epa.gov]
Sent: 9/30/2019 5:39:47 PM
To: Woods, Clint [woods.clint@epa.gov]
CC: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Harlow, David [harlow.david@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]
Subject: RE: I'm talking to a bunch of AGs and political science types who say the revocation of the Cali waiver and this weeks' letters represent an affront to states' rights

Any other comments?

From: Woods, Clint
Sent: Monday, September 30, 2019 10:59 AM
To: Block, Molly <block.molly@epa.gov>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: Re: I'm talking to a bunch of AGs and political science types who say the revocation of the Cali waiver and this weeks' letters represent an affront to states' rights

Nothing to add from my end

On Sep 30, 2019, at 10:54 AM, Block, Molly <block.molly@epa.gov> wrote:

Ex. 5 - Deliberative Process

Sent from my iPhone

On Sep 27, 2019, at 3:52 PM, Abboud, Michael <abboud.michael@epa.gov> wrote:

Sent from my iPhone

Begin forwarded message:

From: "Davenport, Coral" <coral.davenport@nytimes.com>
Date: September 27, 2019 at 3:25:51 PM EDT
To: "Abboud, Michael" <abboud.michael@epa.gov>
Subject: I'm talking to a bunch of AGs and political science types who say the revocation of the Cali waiver and this weeks' letters represent an affront to states' rights

Specifically, AGs of other states --those that have also followed Cali's ghg tailpipe standard, and those that haven't, note that revoking the California waiver also revokes the legal authority of the 13 other states that follow Cali's standards to set tighter ghg tailpipe standards in their states, and strips all states of the authority to use that power in the future should they wish to.

Could someone get on the phone to talk about this? Very interested in the administrator's response to this. Prob filing Monday so if he cld speak this afternoon or early Monday would be great.

--

Coral Davenport
Energy and Environment Correspondent
The New York Times
Washington Bureau
1627 I St. NW, Suite 700
Washington, DC 20006
coral.davenport@nytimes.com
O 202-862-0359
C Ex. 6 Personal Privacy (PP)
Twitter @CoralMDavenport

Message

From: Schwab, Justin [Schwab.Justin@epa.gov]
Sent: 9/30/2019 2:10:29 PM
To: Block, Molly [block.molly@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Harlow, David [harlow.david@epa.gov]
CC: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]
Subject: RE: Press inquiry | REI Co-op Journal

Ex. 5 - Deliberative Process

From: Block, Molly <block.molly@epa.gov>
Sent: Monday, September 30, 2019 10:08 AM
To: Woods, Clint <woods.clint@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Harlow, David <harlow.david@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: FW: Press inquiry | REI Co-op Journal

Thoughts on a response?

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Proposed response:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Sullivan, Melissa
Sent: Monday, September 30, 2019 9:48 AM
To: Press <Press@epa.gov>
Subject: FW: Press inquiry | REI Co-op Journal

Ex. 5 - Deliberative Process

From: Sarah Grothjan <sgrothj@rei.com>
Sent: Friday, September 27, 2019 7:21 PM

To: Press <Press@epa.gov>

Subject: Press inquiry | REI Co-op Journal

To whom it may concern,


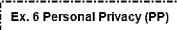
I'm a news and features writer with the REI Co-op Journal, and I'm writing about the Trump administration's recent revocation of California's waiver to set its own emissions standards. I'm hoping to get a comment from E.P.A. Specifically, does the E.P.A. have a comment on plans by New Mexico and Minnesota to adopt California's regulations? I'm curious how the E.P.A. feels when state representatives claim that relaxed regulations will harm their states.

My deadline is midday Monday, September 30th.

Thank you!

Sarah Grothjan

News and Features Writer

6750 S 228th St, Kent, WA 98032 | c   [Ex. 6 Personal Privacy \(PP\)](https://creativecommons.org/licenses/by-nc-sa/4.0/) rei.com



Message

From: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Sent: 9/30/2019 2:10:04 PM
To: Block, Molly [block.molly@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Harlow, David [harlow.david@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]
CC: Woods, Andrea [Woods.Andrea@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]
Subject: RE: Press inquiry | REI Co-op Journal

Yep...works for me

From: Block, Molly <block.molly@epa.gov>
Sent: Monday, September 30, 2019 10:08 AM
To: Woods, Clint <woods.clint@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Harlow, David <harlow.david@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: FW: Press inquiry | REI Co-op Journal

Thoughts on a response?

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Proposed response:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Sullivan, Melissa
Sent: Monday, September 30, 2019 9:48 AM
To: Press <Press@epa.gov>
Subject: FW: Press inquiry | REI Co-op Journal

Ex. 5 - Deliberative Process

From: Sarah Grothjan <sgrothj@rei.com>
Sent: Friday, September 27, 2019 7:21 PM
To: Press <Press@epa.gov>
Subject: Press inquiry | REI Co-op Journal

To whom it may concern,

I'm a news and features writer with the REI Co-op Journal, and I'm writing about the Trump administration's recent revocation of California's waiver to set its own emissions standards. I'm hoping to get a comment from E.P.A. Specifically, does the E.P.A. have a comment on plans by New Mexico and Minnesota to adopt California's regulations? I'm curious how the E.P.A. feels when state representatives claim that relaxed regulations will harm their states.

My deadline is midday Monday, September 30th.

Thank you!

Sarah Grothjan

News and Features Writer

6750 S 228th St, Kent, WA 98032 | c. () rei.com



Privacy (PP)

Ex: 8 Personal Privacy (PP)

Message

From: Benevento, Douglas [benevento.douglas@epa.gov]
Sent: 9/23/2019 2:36:18 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]
CC: Abboud, Michael [abboud.michael@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: air letter talking points
Attachments: CA Talking Points OAR 9-23-19 cw10.28am.docx

Thanks. One minor revision, since this isn't to the Governor I edited the last bullet.

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Monday, September 23, 2019 10:32 AM
To: Woods, Clint <woods.clint@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: air letter talking points

Clean copy

From: Woods, Clint <woods.clint@epa.gov>
Sent: Monday, September 23, 2019 10:30 AM
To: Benevento, Douglas <benevento.douglas@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: air letter talking points

Tweaks in the attached. No **Ex. 5 - Deliberative Process**

From: Benevento, Douglas <benevento.douglas@epa.gov>
Sent: Monday, September 23, 2019 10:22 AM
To: Woods, Clint <woods.clint@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: air letter talking points

Ex. 5 - Deliberative Process

From: Woods, Clint <woods.clint@epa.gov>
Sent: Monday, September 23, 2019 9:30 AM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>
Subject: RE: air letter talking points

Talking points attached – Thanks!

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>

Sent: Monday, September 23, 2019 9:01 AM

To: Idsal, Anne <idsal.anne@epa.gov>; Woods, Clint <woods.clint@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>

Cc: Abboud, Michael <abboud.michael@epa.gov>

Subject: air letter talking points

Hello Anne and Clint,

Do we have talking points that we can get to the Administrator on the air letter. We are hoping to have him talk about this today with a reporter.

Also, we would then get one of you on the phone with the reporter.

I believe Doug is also reaching out to you all.

Thank you...

Corry Schiermeyer
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
Schiermeyer.corry@epa.gov
202-564-6782

Message

From: Abboud, Michael [abboud.michael@epa.gov]
Sent: 9/17/2019 9:36:17 PM
To: Idsal, Anne [idsal.anne@epa.gov]
Subject: FW: Rollout docs
Attachments: Waiver CA draft release9.17.19.docx; ATT00001.htm

Flag: Flag for follow up

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Tuesday, September 17, 2019 4:54 PM
To: Abboud, Michael <abboud.michael@epa.gov>; Block, Molly <block.molly@epa.gov>; Lovell, Will (William) <lovell.william@epa.gov>
Subject: Fwd: Rollout docs

Unsure who asked

Sent from my iPhone

Begin forwarded message:

From: "Schiermeyer, Corry" <schiermeyer.corry@epa.gov>
Date: September 17, 2019 at 4:26:55 PM EDT
To: "Bradford, Stephen (OST)" <stephen.bradford@dot.gov>, "Deere, Judd P. EOP/WHO" <Ex. 6 Personal Privacy (PP)>, "Semmel, Rachel K. EOP/OMB" <Ex. 6 Personal Privacy (PP)>, "Abboud, Michael" <abboud.michael@epa.gov>, "Post, Andy (OST)" <Andy.Post@dot.gov>, "Jennings, Chase W. EOP/OMB" <Ex. 6 Personal Privacy (PP)>
Cc: "Brooke, Francis J. Jr. EOP/WHO" <Ex. 6 Personal Privacy (PP)>, "Kennedy, Adam R. EOP/WHO" <Ex. 6 Personal Privacy (PP)>, "Idsal, Anne" <idsal.anne@epa.gov>, "Olmern, Andrew J. EOP/WHO" <Ex. 6 Personal Privacy (PP)>, "Kan, Derek T. EOP/OMB" <Ex. 6 Personal Privacy (PP)>
Subject: RE: Rollout docs

Updated. **Ex. 5 Deliberative Process (DP)**

Thank you!

From: Bradford, Stephen (OST) <stephen.bradford@dot.gov>
Sent: Tuesday, September 17, 2019 4:17 PM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Deere, Judd P. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Semmel, Rachel K. EOP/OMB <Ex. 6 Personal Privacy (PP)>; Abboud, Michael <abboud.michael@epa.gov>; Post, Andy (OST) <Andy.Post@dot.gov>; Jennings, Chase W. EOP/OMB <Ex. 6 Personal Privacy (PP)>
Cc: Brooke, Francis J. Jr. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Kennedy, Adam R. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Idsal, Anne <idsal.anne@epa.gov>; Olmern, Andrew J. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Kan, Derek T. EOP/OMB <Ex. 6 Personal Privacy (PP)>
Subject: RE: Rollout docs

We would concur with EPA there

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Tuesday, September 17, 2019 4:13 PM
To: Deere, Judd P. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Semmel, Rachel K. EOP/OMB <Ex. 6 Personal Privacy (PP)>; Bradford, Stephen (OST) <stephen.bradford@dot.gov>; abboud.michael <abboud.michael@epa.gov>; Post, Andy (OST) <Andy.Post@dot.gov>; Jennings, Chase W. EOP/OMB <Ex. 6 Personal Privacy (PP)>
Cc: Brooke, Francis J. Jr. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Kennedy, Adam R. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Idsal, Anne <idsal.anne@epa.gov>; Olmem, Andrew J. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Kan, Derek T. EOP/OMB <Ex. 6 Personal Privacy (PP)>
Subject: RE: Rollout docs

Ex. 5 Deliberative Process (DP)

From: Deere, Judd P. EOP/WHO <Ex. 6 Personal Privacy (PP)>
Sent: Tuesday, September 17, 2019 3:47 PM
To: Semmel, Rachel K. EOP/OMB <Ex. 6 Personal Privacy (PP)>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Bradford, Stephen (OST) <stephen.bradford@dot.gov>; Abboud, Michael <abboud.michael@epa.gov>; Post, Andy (OST) <Andy.Post@dot.gov>; Jennings, Chase W. EOP/OMB <Ex. 6 Personal Privacy (PP)>
Cc: Brooke, Francis J. Jr. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Kennedy, Adam R. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Idsal, Anne <idsal.anne@epa.gov>; Olmem, Andrew J. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Kan, Derek T. EOP/OMB <Ex. 6 Personal Privacy (PP)>
Subject: RE: Rollout docs

Ex. 5 Deliberative Process (DP)

From: Semmel, Rachel K. EOP/OMB <Ex. 6 Personal Privacy (PP)>
Sent: Tuesday, September 17, 2019 3:29 PM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Bradford, Stephen (OST) <stephen.bradford@dot.gov>; Abboud, Michael <abboud.michael@epa.gov>; Post, Andy (OST) <Andy.Post@dot.gov>; Jennings, Chase W. EOP/OMB <Ex. 6 Personal Privacy (PP)>
Cc: Brooke, Francis J. Jr. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Kennedy, Adam R. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Deere, Judd P. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Idsal, Anne <idsal.anne@epa.gov>; Olmem, Andrew J. EOP/WHO <Ex. 6 Personal Privacy (PP)>; Kan, Derek T. EOP/OMB <Ex. 6 Personal Privacy (PP)>
Subject: RE: Rollout docs

Ex. 5 Deliberative Process (DP)

Update on our end at OIRA. 90% chance we are able to receive what we need on our end to conclude in time for tomorrow. Will confirm that when I can.

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Tuesday, September 17, 2019 11:59 AM
To: Semmel, Rachel K. EOP/OMB <Ex. 6 Personal Privacy (PP)>; Bradford, Stephen (OST) <stephen.bradford@dot.gov>; Abboud, Michael <abboud.michael@epa.gov>; Post, Andy (OST)

<Andy.Post@dot.gov>; Jennings, Chase W. EOP/OMB < Ex. 6 Personal Privacy (PP) >
Cc: Brooke, Francis J. Jr. EOP/WHO < Ex. 6 Personal Privacy (PP) >; Kennedy, Adam R. EOP/WHO
< Ex. 6 Personal Privacy (PP) >; Deere, Judd P. EOP/WHO < Ex. 6 Personal Privacy (PP) >; Idsal,
Anne <idsal.anne@epa.gov>
Subject: Rollout docs

Hello Francis,

Attached is the draft joint press release and draft talking points.

Please let me know if you all have any questions.

Corry Schiermeyer
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
Schiermeyer.corry@epa.gov
202-564-6782

From: Semmel, Rachel K. EOP/OMB < Ex. 6 Personal Privacy (PP) >
Sent: Tuesday, September 17, 2019 11:10 AM
To: Bradford, Stephen (OST) <stephen.bradford@dot.gov>; Abboud, Michael
<abboud.michael@epa.gov>; Post, Andy (OST) <Andy.Post@dot.gov>; Schiermeyer, Corry
<schiermeyer.corry@epa.gov>; Jennings, Chase W. EOP/OMB < Ex. 6 Personal Privacy (PP) >
Cc: Brooke, Francis J. Jr. EOP/WHO < Ex. 6 Personal Privacy (PP) >; Kennedy, Adam R. EOP/WHO
< Ex. 6 Personal Privacy (PP) >; Deere, Judd P. EOP/WHO < Ex. 6 Personal Privacy (PP) >
Subject: RE: Rollout recap/oped

Ex. 5 Deliberative Process (DP)

From: Bradford, Stephen (OST) <stephen.bradford@dot.gov>
Sent: Tuesday, September 17, 2019 11:05 AM
To: Semmel, Rachel K. EOP/OMB < Ex. 6 Personal Privacy (PP) >; abboud.michael
<abboud.michael@epa.gov>; Post, Andy (OST) <Andy.Post@dot.gov>; Schiermeyer, Corry
<schiermeyer.corry@epa.gov>; Jennings, Chase W. EOP/OMB < Ex. 6 Personal Privacy (PP) >
Cc: Brooke, Francis J. Jr. EOP/WHO < Ex. 6 Personal Privacy (PP) >; Kennedy, Adam R. EOP/WHO
< Ex. 6 Personal Privacy (PP) >; Deere, Judd P. EOP/WHO < Ex. 6 Personal Privacy (PP) >
Subject: RE: Rollout recap/oped

Ex. 5 Deliberative Process (DP)

We will take a look but probably needs some revisions.

From: Semmel, Rachel K. EOP/OMB < Ex. 6 Personal Privacy (PP) >
Sent: Tuesday, September 17, 2019 11:01 AM
To: abboud.michael <abboud.michael@epa.gov>; Post, Andy (OST) <Andy.Post@dot.gov>; Bradford,
Stephen (OST) <stephen.bradford@dot.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>;
Jennings, Chase W. EOP/OMB < Ex. 6 Personal Privacy (PP) >
Cc: Brooke, Francis J. Jr. EOP/WHO < Ex. 6 Personal Privacy (PP) >; Kennedy, Adam R. EOP/WHO

Ex. 6 Personal Privacy (PP)

; Deere, Judd P. EOP/WHO <

Ex. 6 Personal Privacy (PP)

Subject: Rollout recap/oped

Ex. 5 Deliberative Process (DP)

I'll also keep you posted when we hear back about conclusion this afternoon.

Rachel Semmel

Associate Director of Communications

The White House, Office of Management and Budget

202.456.6364 work

Ex. 6 Personal Privacy (PP)

Message

From: Block, Molly [block.molly@epa.gov]
Sent: 9/24/2019 6:05:40 PM
To: Woods, Clint [woods.clint@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]
Subject: Transcript from today's press call
Attachments: california sip letter transcript press call.doc

See attached.

EPA

Moderator: Molly Block
September 24, 2019
11:00 a.m. EST

OPERATOR: This is Conference #3279204

Molly Block: Thank you so much for joining us this morning for a background press briefing. This is Molly Block with the Office of Public Affairs over at EPA. I will soon turn the call over to EPA's Office of Air and Radiation Deputy Assistant Administrator Clint Woods. This is a background briefing.

As such, you may attribute information you learn on this call to an EPA senior official. You are free to report on this information in real-time. After Mr. Woods's opening remarks, we will open the call to questions from the press on this letter. Thank you again for joining us. I will now turn the call over the Deputy Assistant Administrator Woods.

Clint Woods: Thanks, Molly and thank you all for joining us. Late yesterday, EPA Administrator Andrew Wheeler sent a letter to California Air Resources Board or CARB Chair Mary Nichols requesting the state withdrawal its backlog and unapproved State Implementation Plans, often called SIPs and work with EPA to develop complete approvable SIPs.

The U.S. Environmental Protection Agency and CARB will play a critical role in protecting public health implementing the National Ambient Air Quality Standards under the federal Clean Air Act.

Since the 1970s, California has failed to carry out its most basic tasks under the Clean Air Act. California has the worst air quality in the United States with 82 areas that don't obtain National Ambient Air Quality Standards are

max and 34 million people living in areas that do not meet the max, more than twice as many people than any other state in the country.

The state of California represents a disproportionate share of the national list of backlog SIPs, roughly one-third of EPA's overall SIP backlog. California's total portion of the SIP backlog is more than 136 with many dating back decades. Most of these SIPs are inactive and appear to have fundamental issues related to approvability.

As you may know, SIPs outline how states plan to obtain and maintain National Ambient Air Quality Standards through various regulations and guidelines.

In the event California fails to withdrawal these SIPs, EPA will give (inaudible) comment disapproval process for individual plans which triggers statutory clocks for three things. One, highway funding sanctions; two, so-called new source review permitting sanctions and three, a deadline for the issuance of a federal implementation plan for the area.

To ensure that we're making progress on improving air quality in California, we request a response from CARB by October 10th indicating whether it intends to withdrawal these SIPs. EPA stands ready to work with California to meet the administration's goal of clean healthy air for all Americans.

We hope the state will work with us in good faith. This action is a necessary step towards ensuring compliance with EPA's National Ambient Air Quality Standards and (inaudible) to ensure that all Americans have clean air.

In fact, just today we'll be announcing that Central New Hampshire is now meeting sulfur dioxide standards. With this re-designation, all areas in New England are now in a (payment) with SO2 standards. We hope that California can soon do the same for various National Ambient Air Quality Standards.

This letter is consistent with our national efforts to address the SIP backlog and dramatically reduce the number of areas that do not obtain National Ambient Air Quality Standards. Our goal is to get California in obtainment with these heath base standards.

Among other developments towards that goal, we've seen continued emissions reductions. Between 2016 and 2018, emissions of precursors for traditional pollutants like ozone in particular matter are all down significantly, including the nearly 9 percent drop in emissions of nitrogen oxides.

Similarly, we are looking at additional mobile emission reductions. EPA through its cleaner trucks initiative will soon establish updated standards to address nitrogen oxide emissions from heavy duty trucks.

EPA is also evaluating other tools to get more areas into attainment with (acts) including targeted grants. And the agency expects they'll soon award \$40 millions to non-attainment areas including several communities in California that are ranked among the top five most polluted areas for ground level ozone and fine particulate matter.

And the agency is also evaluating tools for regulatory relief. For example we recently developed a number of implementation resources to help state and local air agencies insure that they are not penalized for events outside their control, including ozone exceptional events that result from prescribed fires and wildfires.

Later this year EPA will also provide additional guidance for air agencies in order to allow them to demonstrate that they would obtain national ambient air quality standards but for international contributions. I will now open up the floor to questions.

Molly Block: Thanks, Clint. Now our operator, Eric, will instruct interested members in the press how to ask a question. When your line is open please state your name and affiliation. Thank you so much we will accommodate as many questions as we can.

Operator: At this time I'd like to remind everyone that in order for you to ask a question you will need to press "star" then "1" on your telephone keypad. To withdrawal your question press the "#" key. Please stand by while I compile the Q&A roster.

Your first question comes from the line of Jen Dlouhy from J Dlouhy at Bloomberg. You may ask your question.

Jen Dlouhy: Thanks for taking my questions. I just wanted to follow up, California they carb has asserted that it's zero emission vehicle mandate. In particular is critical to dealing with criteria air pollution and of course that's the, one of the targets in the preemption move last week. Can you help me square, are they wrong in asserting that? Can you help me put my mind around that issue?

Clint Woods: Sure, thanks for the question. So I think there's a couple things to note. First of all the more than 130 state implementation plans that are referenced in the administrators letter pre date and in many cases by decades any of the zero emission vehicle. Or greenhouse gas standards that the California Air Resources Board has pursued related to its waiver under the clean air act.

Today's, or yesterday's letter is unrelated to last week's announcement. Which will not be effective for 60 days after publication at (Federal) register. This is related to California's continued inability to attain or carry out basic task on the clean air act to address key air pollutants like ozone or particulate matter.

It is worth noting that EPA and the Department of Transportation's purpose safe rule last year and (logged) the number of scenarios, many of which projected significant reductions in criteria pollutant emissions including for precursors for ozone and particulate matter under less stringent scenarios than the Obama Administration (tailpiped) greenhouse gas standards.

Having said that, we would like California, as articulated in the administrators comments last week and letter yesterday to redouble its efforts to get the state into attainment with health base national amp and air quality standards, including standards for ozone and PM that parts of the state don't meet that were established in the 1970's.

Molly Block: Thank you, next question.

Operator: Your next question comes from the line of (Jolie Dobren) from (Juliet Dobren at Wash). Your line is open.

(Jolie Dobren): Hi there, I was hoping you could clarify, I know in the letter Administrator Wheeler says that the zip back backlog for the California is 130 (sips). Could you please both clarify what are say, the second, third, fourth, fifth states that have (sips). Which are those states that are also have back logs?

And area you -- have you sent out this letter to any other state, which I assume triggers an 18 month period by which the state can respond?

Clint Woods: So the short answer is within the sit-back log, which obviously is changing on any given day based upon information that's been submitted to us. Technically a back log (sip) is one that has not been acted upon by EPA from 18 months of complete submission. So of that 350 roughly state and (inaudible) plan back log, California represents over 130.

We believe that states across the country should withdraw inactive state implementation plans that date back, in some cases years or decades. And in many cases have fundamental approvability issues, are missing key elements, like emissions inventories or do not show that they would attain the (inaudible) by the required deadlines.

And so we will be communicating with states across the country on this front. California is a unique situation. They have a much larger number of non-attainment areas than any other place in the country, 82. More than twice as many people living in non-attainment areas, including areas like Sacramento, that don't meet multiple particulate matter and ozone nacks going back decades and the largest share of the sit back log.

So in trying to address this as an agency priority goal, to dramatically reduce the sit back log, we thought it was prudent to start with the place with the largest problems and the place that faces the most severe and extreme non-attainment areas in the country to try and get those areas into attainment as quickly as possible.

However we will be speaking closely with state agencies throughout the country to encourage them to withdraw (sips) that are inactive and unprovable and to get approvable (sips) in place so that we can get more of the country in

attainment with national ambient air quality standards that protect public health with an adequate margin of safety.

(Jolie Dobren): Could you please answer the – my question of which are some other states that rank behind California? Thank you.

Clint Woods: Yes, I don't have a full list of the sit back list, as I mentioned. It varies from day to day having said that, EPA regularly approves and disapproves (sips), for example in EPA's region nine, which includes several other states. In the Southwestern United States we recently proposed to disapprove a portion of Penal Counties state implementation plan and we take similar actions throughout the country.

We've been working very closely as we address the sit back log with our colleagues, the state and local agencies, but the most significant share of any state is certainly California's more than 130 back log (sip's).

Molly Block: We will follow up with additional information, (Paul), thank you so much. Next question?

Operator: Your next question comes from the line of Zack Hale from (zack.hale@spglobal.com). Your line is open.

Zack Hale: Thanks. I just wanted to clarify, assuming the preemption rule takes effected and implemented, what would the California Air Resources Board be allowed to do in terms of issuing vehicle emission standards to control criteria pollutants, and does the EPA believe it's possible to establish a strict criteria of pollutant standards for vehicles without interfering with fuel economy standards?

Clint Woods: Yes. So EPA has granted California waivers for a wide variety or criteria emission standards for a wide variety of vehicles.

Last week's action between Department of Transportation and U.S. EPA which articulates preemption under the Energy Policy And Conservation Act for DOT as well as the Clean Air Act, does not have any effect upon those criteria emission waivers that have been granted to California and have

resulted in a wide variety of vehicle programs not just for light duty vehicles, but other vehicle types as well.

Molly Block: Thank you so much. Next question?

Operator: your next question comes from the line of David Shepardson, your line is open.

Molly Block: Please state your affiliation as well, guys.

David Shepardson: Dave Shepardson from Reuters, thanks for having the call. Just following up on some of the earlier questions. So has the EPA ever issued a similar letter like this in the past to other states? And beyond the numbers, beyond the aggregate number of issues in California, is there something unique about California's non-attainment versus other states?

Because obviously there have a number of efforts by the administration to restrict the state's authority or take money away as it relates to high speed rail. Can you sort of speak to this question of whether this is another example that administration, going after California? Thanks.

Clint Woods: Yes, David, I think that's not the correct perspective here. I think this is one in which as mentioned earlier, the number of non-attainment areas, the share of the (sit-back) logs, the number of areas like Sacramento, they're in non-attainment, in the case of the Sacramento metro area. They do not meet (order of) ozone standards, including 1979, 1997, 2008 to 2015, as well as five (particulate matter) standards set to the Bush administration.

There is a strong reason for the focus here, if you're in a hole, the first thing is to stop digging, and California clearly represents a disproportionate share of the state implementation plan backlog. The administration and EPA's goal is to get the country into attainment with National Ambient Air Quality Standards that will protect public health with an adequate margin of safety for Americans across the country.

And so we think California is a logical place to start. This is something where we have been and continue to be in touch with individual state and local air

agencies on various backlogs and inactive SIPs to resolve unapprovability issues, including encouraging state and local agencies to withdraw state implementation plans that are not approval, out of date, lack key information, and that can't be approved by the agency.

So this is part of our broader agency priority goals, to reduce the number of (inaudible) areas and to reduce the state implementation plan backlog. And -- and obviously California's unique in a number of ways when it comes to air quality. One other item that helps to -- that often results in additional state implementation plans is the number of local air districts.

So the agency through its regional offices as well as headquarters works on a daily basis with both the California Air Resources Board as well as the 35 local air agencies. And we look forward to continuing to do so to get these areas into attainment with National Ambient Air Quality Standards.

Molly Block: Thank you so much. Next question, and please remember to state your affiliation once your line is open.

Operator: Your next question comes from the line of Maxine Joselow from E&E News. Your line is open.

Maxine Joselow: Hi, Maxine from E&E News. Thanks for the call. My question was actually about President Trump's remarks last week in which he said that he had asked EPA to tell San Francisco it was in violation of federal regulation for water pollution from the state's homeless population. I was wondering if this action is in any way related to the president's remarks and whether another action was forthcoming against California related to the alleged water pollution.

Clint Woods: No. Yesterday's letter is unrelated to any pending or potential action on any water front. It's just about California's state implementation plans under the Clean Air Act.

Molly Block: Thank you so much. Next question.

Operator: Your next question comes from the line of Alex Guillen from Politico.com. Your line is open.

Alex Guillen: Hi. I know you said it's unrelated, the homelessness (violation) (inaudible).

Molly Block: I think we lost Alex. Can we bring him back up, (Eric)?

Operator: Sure thing.

Molly Block: Thanks for bearing with us. Sorry. Hold on one second. Hey Alex, would you press "star" "1" so we can pull you back up into the queue? OK. While we're working on that, let's go to the next question.

Operator: Your next question comes from the line of Ellie Kaufman from CNN. Your line's open.

Ellie Kaufman: Hi. Thanks for holding the call. You are referring to California, saying it's a unique situation and that California represents a disproportionate backlog, but you can't name any of the other states that have a high backlog either. So what makes California such a unique situation? I'm just having a hard time understanding why we're focusing on California here.

Clint Woods: Yes. So it's important to note that state implementation plans articulate the way in which a state or local air agency (intend to) regulation and guidelines to get an area into attainment with national standards for pollutants like ozone and particulate matter. In the case of California, they have far larger number of areas and areas with worst classifications for National Ambient Air Quality Standards than anywhere else in the country, so there's a lot, obviously, of complexity.

The structure between California state and local air agencies contributes to that, and then California's unwillingness to do the basic work to submit plans that show how areas will attain standards set in the last few years but also going back decades, back to the 1970s, is why California represents nearly -- actually over one-third of our backlog state implementation plans.

So the other 49 states represent a much smaller fraction. So obviously we want to work with states across the country to resolve that state plan backlog, but there are many states in the country that attain all National Ambient Air

Quality Standards for all criteria of pollutants that have been established since the 1970s.

California has areas that have not attained any of the ozone standards since 1979. So that's the -- that's the -- that's one of the key drivers as to why California's such a large share and why we think it's really important that we work with California to try and reduce emissions and get those areas into attainment with the standards that protect public health.

Molly Block: Thank you so much. We have time for one last question.

Operator: Your next question comes from the line of Stephanie Ebbs at ABC. Your line is open.

Stephanie Ebbs: Hi, all. Thanks for having the call. I just wanted to follow up on what Clint said about California being unwilling to submit the plans. Can you speak to why plans dating this far back are still relevant if, as the administrator said, part of the reason that they were part of the backlog is that the agency itself didn't want to act on them?

Clint Woods: Yes. So and for many of these backlogged or unapprovable or inactive SIPs, states -- in this case California has submitted plans that are unapprovable, they lack key elements, for example articulation of the control measures that they expect to impose within the area to get an area into attainment by the date that the Clean Air Act requires, and those dates exist going back to standards in the 1970s.

So every five years the agency is supposed to revisit and potentially revise National Ambient Air Quality Standards for the six criteria pollutants and update them based upon the most recent science and what levels are requisite to protect public health with an adequate margin of safety. And then based upon how severe that air quality problem is in relation to that standard, there's different timelines set out in the act.

So even for areas like Sacramento that don't meet the one hour ground level ozone standard from 1979, there are requirements in the Clean Air Act and (the way the) fundamental blocking and tackling of how the Clean Air Act

operates is states are responsible for developing plans that articulate the emissions within the area, how they intend to control them to ultimately get on a glide path for areas to attain standards.

California has failed to do so for decades, for multiple National Ambient Air Quality Standards for key pollutants, and so those plans are still very much relevant. While the latest science has brought to bear in the standard setting process, standards set previously by the agency continue and we work closely with our state agencies to try to get areas into attainment. Unfortunately many parts of California have failed for the most recent standards but also standards going back to the 1970s.

Molly Block: Thank you so much. That's all the time we have for today's call. As I said earlier, all the information on this call is for background purposes. You're free to report on this now. Thank you for joining us. If you have any follow up questions, please e-mail press@EPA.gov and we will get back to you. Have a wonderful day. Goodbye.

Operator: Ladies and gentlemen, this concludes today's conference call. Thank you for participating. You may now disconnect.

END

Message

From: Block, Molly [block.molly@epa.gov]
Sent: 9/24/2019 4:55:24 PM
To: Woods, Clint [woods.clint@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]
CC: Woods, Andrea [Woods.Andrea@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]
Subject: RE: Additional question re: Calif. NAAQS letter

Ex. 5 Deliberative Process (DP)

From: Woods, Clint
Sent: Tuesday, September 24, 2019 12:50 PM
To: Block, Molly <block.molly@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>
Cc: Woods, Andrea <Woods.Andrea@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>
Subject: RE: Additional question re: Calif. NAAQS letter

Please include Justin on these.

Ex. 5 Deliberative Process (DP)

From: Block, Molly <block.molly@epa.gov>
Sent: Tuesday, September 24, 2019 12:47 PM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>
Cc: Woods, Andrea <Woods.Andrea@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>
Subject: FW: Additional question re: Calif. NAAQS letter

Please see below.

From: Keith Goldberg <keith.goldberg@law360.com>
Sent: Tuesday, September 24, 2019 12:43 PM
To: Block, Molly <block.molly@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Press <Press@epa.gov>
Subject: Additional question re: Calif. NAAQS letter

Hi Molly, Andrea,

I didn't get a chance to ask my question before the press call ended, so I'm hoping someone from the agency can answer it now:

The transportation sector is a primary source of both GHG and non-GHG air pollutants in California. Yet doesn't the Clean Air Act limit the state's mobile source regulatory authority to passenger vehicles and prevent it from regulating emissions from areas like ocean-going vessels and port operations, construction and agricultural mobile sources, etc.?

How does the EPA expect California to submit viable SIPs to attain various NAAQS without that authority? Could it necessitate the EPA crafting a FIP which sets more stringent emissions controls?

If you could get back to me ASAP, I'd appreciate it.

--

Best,

Keith Goldberg
Senior Reporter, Energy



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Legal News & Data

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[@kdgscribe](https://twitter.com/kdgscribe)

Message

From: Woods, Clint [woods.clint@epa.gov]
Sent: 9/20/2019 8:25:47 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]
Subject: RE: Air Letter and Release
Attachments: SIP LETTER EDIT 09192019 io v3.docx

Last version we know of is attached

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Friday, September 20, 2019 4:17 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>
Subject: RE: Air Letter and Release

Doug,...do you have the Air letter? We have the water letter and both releases.

From: Schiermeyer, Corry
Sent: Friday, September 20, 2019 3:21 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>
Subject: Re: Air Letter and Release

I would say in the next half hour. We need these to the binder ASAP.

Thank you!

Sent from my iPhone

On Sep 20, 2019, at 3:13 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

Please review and provide final comments. We probably need to have this finalized in the next hour and a half. Please send any edits to Jessica for her to coordinate. Thanks

<09-20-2019 - DRAFT RELEASE - Air Letter to CARB.docx>

<SIP LETTER EDIT 09192019 io v3.docx>

Message

From: Beach, Christopher [beach.christopher@epa.gov]
Sent: 9/17/2019 7:26:18 PM
To: Woods, Clint [woods.clint@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Harlow, David [harlow.david@epa.gov]
Subject: RE: DRAFT op-ed from DOT on CAFE

Okay, thanks. I'll make that edit. Any other changes?

Ex. 5 Deliberative Process (DP)

From: Woods, Clint <woods.clint@epa.gov>
Sent: Tuesday, September 17, 2019 3:21 PM
Cc: Beach, Christopher <beach.christopher@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Harlow, David <harlow.david@epa.gov>
Subject: Re: DRAFT op-ed from DOT on CAFE

Minus AW

Ex. 5 Deliberative Process (DP)

On Sep 17, 2019, at 3:16 PM, a **Ex. 6 - Administrator** wrote:

I'm fine with it overall, feel free to make edits, in the interest of time no need to come back to me unless there are major changes.

Sent from my iPhone

On Sep 17, 2019, at 3:10 PM, Beach, Christopher <beach.christopher@epa.gov> wrote:

Sir, attached is a draft op-ed that DOT has written up and they're hoping you will sign off on. It'd be by Sec. Chao and you. Given that they want to get it out ASAP, we don't have that much time for substantive edits. I do have a few small edits to propose, but we'd like to know if you're 1) okay with a joint op-ed and 2) comfortable with the general approach of this? It seems to be the press release more or less turned into an op-ed. If you're okay with it, we can make the edits and have an updated version for your approval when you get back to the office. Thank you.

From: Bradford, Stephen (OST) <stephen.bradford@dot.gov>
Sent: Tuesday, September 17, 2019 2:15 PM
To: Abboud, Michael <abboud.michael@epa.gov>
Cc: Post, Andy (OST) <Andy.Post@dot.gov>
Subject: DRAFT op-ed from DOT on CAFE

Mike;

Attached is our DOT draft op-ed that NHTSA and Steve Bradbury have cleared. We won't send to NEC until all are good.

thanks

Stephen Bradford

Office of Public Affairs

Office of the Secretary

Department of Transportation

Office: 202.366.7311 **Mobile:** Ex. 6 Personal Privacy (PP)

<20190917 DRAFT Op-ed - One National Program Rule DOT edits.docx>

Message

From: Hackel, Angela [Hackel.Angela@epa.gov]
Sent: 9/19/2019 12:57:29 PM
To: Wheeler, Andrew [wheeler.andrew@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Shaw, Betsy [Shaw.Betsy@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Harlow, David [harlow.david@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]; White, Elizabeth [white.elizabeth@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Darwin, Henry [darwin.henry@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
CC: Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Richardson, RobinH [Richardson.RobinH@epa.gov]; Lovell, Will (William) [lovell.william@epa.gov]; Tyree, Robin [Tyree.Robin@epa.gov]; Nickerson, William [Nickerson.William@epa.gov]; Pritchard, Eileen [Pritchard.Eileen@epa.gov]; Gordon, Stephen [gordon.stephen@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; DeBell, Kevin [debell.kevin@epa.gov]; Millett, John [Millett.John@epa.gov]; Sauerhage, Maggie [Sauerhage.Maggie@epa.gov]; DeLuca, Isabel [DeLuca.Isabel@epa.gov]; Atkinson, Emily [Atkinson.Emily@epa.gov]; Burch, Julia [Burch.Julia@epa.gov]; Hackel, Angela [Hackel.Angela@epa.gov]; Burton, Tamika [burton.tamika@epa.gov]; Manibusan, Mary [Manibusan.Mary@epa.gov]; Gaines, Cynthia [Gaines.Cynthia@epa.gov]; Hope, Brian [Hope.Brian@epa.gov]; Leavy, Jacqueline [Leavy.Jacqueline@epa.gov]; Moritz, Brigitte [Moritz.Brigette@epa.gov]; Thundiyil, Karen [Thundiyil.Karen@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]
Subject: SIGNED: Final- The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program
Attachments: SAFE Vehicles Rule Part 1.Signed.9.19.19.pdf

Good Morning,

Today the Administrator and the National Highway Traffic Safety Administration Acting Administrator Owens signed the final rule entitled, "The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program."

The signed, final rule is attached. Please refer to pages 192 and 193 for signature.

If you have any questions about this email, please let me know.

Sincerely,

Angela

Angela Hackel
Senior Advisor
Office of Public Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Washington, DC 20460
Office: 202.566.2977
Cell: Ex. 6 Personal Privacy (PP)

Message

From: Beach, Christopher [beach.christopher@epa.gov]
Sent: 9/19/2019 2:05:57 AM
To: Abboud, Michael [abboud.michael@epa.gov]
CC: Idsal, Anne [idsal.anne@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Block, Molly [block.molly@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]
Subject: RE: Intro for Anne
Attachments: Press Conference Script.docx

Here's what I'd suggest (see updated script). If you're not a fan, just let me know and I'll work up something else.

From: Beach, Christopher
Sent: Wednesday, September 18, 2019 8:58 PM
To: Abboud, Michael <abboud.michael@epa.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Block, Molly <block.molly@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Subject: Re: Intro for Anne

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Sep 18, 2019, at 8:41 PM, Abboud, Michael <abboud.michael@epa.gov> wrote:

Beach what do we think?

Sent from my iPhone

On Sep 18, 2019, at 8:15 PM, Idsal, Anne <idsal.anne@epa.gov> wrote:

Do y'all want a similar intro for AAW? If so, would you please provide something comparable that you think would be suitable?

Anne L. Idsal
U.S. Environmental Protection Agency - Office of Air and Radiation
Washington, DC

On Sep 18, 2019, at 7:40 PM, Abboud, Michael <abboud.michael@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Message

From: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Sent: 9/18/2019 9:47:59 PM
To: Idsal, Anne [idsal.anne@epa.gov]
CC: Woods, Clint [woods.clint@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Harlow, David [harlow.david@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Block, Molly [block.molly@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: FW: Tomorrow's logistics
Attachments: SafeWaiver Press Conference Briefing Paper.docx

Hello Anne, Matt and OAR Team,

The waiver press conference is tomorrow at 8am in the Green Room. Molly has outlined everything below. I have also attached the briefing paper that was sent to AAW this evening.

Ex. 5 Deliberative Process (DP)

I'm hoping we can conclude this fairly quickly or set up a more in-depth background call following the press conference but before AAW's hearing.

Please let us know if you have any questions.

Thank you!

Location: Green Room

Live-streamed at www.epa.gov/live

The room is quasi set up at the moment. We will have extra chairs ready for tomorrow plus lighting and the podium shortly. The first two rows are reserved for stakeholders and Rep. LaMalfa (+ staff). Behind the stanchions will be press. Note we have at least 6 cameras. The event will be live on C-SPAN and pooled by Fox.

Run of Show**

8:00 – 8:02 am: Anne welcome remarks, introduces Chao
8:02 – 8:07 am: Chao remarks
8:07 am: Anne introduces Wheeler
8:07 – 8:12 am: Wheeler remarks
8:12 – 8:13 am: Anne introduces Rep. Doug LaMalfa
8:13 – 8:15 am: Rep. Doug LaMalfa speaks
8:15 – 8:16 am: Anne transitions to Q&A from press*
8:16 – 8:30 am: Q&A from press
8:30 am: Wheeler / Anne concludes press conference (hard stop)

*Q&A will include Wheeler, Idsal, Leopold(?), Bradbury, Owens

**Wheeler, Chao, Idsal, Bradbury, Leopold, and Owens are standing the entire press conference

RSVPs

DOT Staff (South Entrance)

1. Steven Bradbury, GC and Acting Dep. Sec.
2. James Owens, Acting Administrator, NHTSA

3. Cameron Morabito, Special Asst to S1
4. Todd Inman, Chief of Staff (tentative)
5. Stephen Bradford
6. Andy Post
7. Dominic Bonaduce
8. Peter Murray

Stakeholders (13 Total)

First	Last	Organization
Gloria	Berquist	Auto Alliance
Myron	Ebell	CEI
Derrick	Hollie	Reaching America
Grant	Kidwell	ALEC
Andy	Koblentz	NADA
Marlo	Lewis	CEI
Rick	Manning	ALG
Mike	Palicz	ATR
Thomas	Pyle	AEA
Dan	Savickas	FreedomWorks
Aaron	Stover	Heartland Institute
Aaron	Szabo	CGCN
Peter	Welch	NADA

{As of 5:30 PM} Press (35 Total)

Name	Outlet	Type
Tim Cama	E&E News	Print
Francis Chung	E&E News	Photo
Jessica Wehrman	CQ Roll Call	Print
Katy Stech	WSJ	Print
Coral Davenport	NYTimes	Print
Andrew Harrer	Bloomberg	Photo
Katelyn Rindlisbaker	RFD-TV	Camera
Joe Martin	NBC Washington	Camera
John Bullard	NBC Washington	Camera
Tal Kopan	San Francisco Chronicle	Print
Chris Knight	Argus Media	Print
Abby Smith	Washington Examiner	Print
Lois Dyer	CBS News	Print
Emerald Robinson	One America News Network	Print
Alex Guillen	Politico	Print
Bruce McNamee	Getty Images	Photo
Greg Wallace	CNN	Print
David Brooks	CNN	Print
Andrew Christman	CNN	Photo
Ashraf Khalid	AP	Print
Stephanie Ebbs	ABC	Print
David Shepardson	Reuters	Print
Jennifer Dlouhy	Bloomberg	Print

Ryan Beene	Bloomberg	Print
Rick Gentilo	AP	Camera
Scott Applewhite	AP	Photo
Kyle Midura	Gray TV	?
Will Montague	Fox News	Camera
Chris Jimenez	Fox News	Audio
Zack Hale	S&P Global	Print
Thomas Ichniowski	Engineering News-Record	Print
Elizabeth Shogren	Reveal News	Print
Doug Obey	Inside EPA	Print
Bridget DiCosmo	Energy Intel	Print
Sarah Silbiger	Reuters	Photo

Molly Block

Senior Advisor

U.S. Environmental Protection Agency

Ex. 6 Personal Privacy (PP)

Message

From: Block, Molly [block.molly@epa.gov]
Sent: 9/18/2019 9:40:25 PM
To: Semmel, Rachel K. EOP/OMB [Ex. 6 Personal Privacy (PP)]; Abboud, Michael [abboud.michael@epa.gov];
Brooke, Francis J. Jr. EOP/WHO [Ex. 6 Personal Privacy (PP)]; Kennedy, Adam R. EOP/WHO
[Ex. 6 Personal Privacy (PP)]; Olmem, Andrew J. EOP/WHO [Ex. 6 Personal Privacy (PP)]; Deere, Judd P.
EOP/WHO [Ex. 6 Personal Privacy (PP)]; Henning, Alexa A. EOP/WHO [Ex. 6 Personal Privacy (PP)];
Burris, Meghan K. EOP/WHO [Ex. 6 Personal Privacy (PP)]; Symonds, Tori Q. EOP/WHO
[Ex. 6 Personal Privacy (PP)]; Kan, Derek T. EOP/OMB [Ex. 6 Personal Privacy (PP)]; Jennings, Chase W.
EOP/OMB [Ex. 6 Personal Privacy (PP)]; Ditto, Jessica E. EOP/WHO [Ex. 6 Personal Privacy (PP)]
CC: Bradford, Stephen (OST) [stephen.bradford@dot.gov]; Bradbury, Steven (OST) [Steven.Bradbury@dot.gov]; Post,
Andy (OST) [Andy.Post@dot.gov]; Idsal, Anne [idsal.anne@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov];
Beach, Christopher [beach.christopher@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Schiermeyer, Corry
[schiermeyer.corry@epa.gov]
Subject: RE: Trump Administration Announces One National Program Rule on Federal Preemption of State Fuel Economy
Standards - Preview

FYI here's a bunch of info on tomorrow's event:

Live-streamed at www.epa.gov/live

Run of Show**

8:00 – 8:02 am: Anne welcome remarks, introduces Chao
8:02 – 8:07 am: Chao remarks
8:07 am: Anne introduces Wheeler
8:07 – 8:12 am: Wheeler remarks
8:12 – 8:13 am: Anne introduces Rep. Doug LaMalfa
8:13 – 8:15 am: Rep. Doug LaMalfa speaks
8:15 – 8:16 am: Anne transitions to Q&A from press*
8:16 – 8:30 am: Q&A from press
8:30 am: Wheeler / Anne concludes press conference (hard stop)

*Q&A will include Wheeler, Idsal, Leopold(?), Bradbury, Owens

**Wheeler, Chao, Idsal, Bradbury, Leopold (?), and Owens are standing the entire press conference

RSVPs

DOT Staff

1. Steven Bradbury, GC and Acting Dep. Sec.
2. James Owens, Acting Administrator, NHTSA
3. Cameron Morabito, Special Asst to S1
4. Todd Inman, Chief of Staff (tentative)
5. Stephen Bradford
6. Andy Post
7. Dominic Bonaduce
8. Peter Murray

Stakeholders (13 Total)

First	Last	Organization
Gloria	Berquist	Auto Alliance
Myron	Ebell	CEI
Derrick	Hollie	Reaching America
Grant	Kidwell	ALEC

Andy	Koblenz	NADA
Marlo	Lewis	CEI
Rick	Manning	ALG
Mike	Palicz	ATR
Thomas	Pyle	AEA
Dan	Savickas	FreedomWorks
Aaron	Stover	Heartland Institute
Aaron	Szabo	CGCN
Peter	Welch	NADA

{As of 5:30 PM} Press (35 Total)

Name	Outlet	Type
Tim Cama	E&E News	Print
Francis Chung	E&E News	Photo
Jessica Wehrman	CQ Roll Call	Print
Katy Stech	WSJ	Print
Coral Davenport	NYTimes	Print
Andrew Harrer	Bloomberg	Photo
Katelyn Rindlisbaker	RFD-TV	Camera
Joe Martin	NBC Washington	Camera
John Bullard	NBC Washington	Camera
Tal Kopan	San Francisco Chronicle	Print
Chris Knight	Argus Media	Print
Abby Smith	Washington Examiner	Print
Lois Dyer	CBS News	Print
Emerald Robinson	One America News Network	Camera
Alex Guillen	Politico	Print
Bruce McNamee	Getty Images	Photo
Greg Wallace	CNN	Print
David Brooks	CNN	Print
Andrew Christman	CNN	Photo
Ashraf Khalid	AP	Print
Stephanie Ebbs	ABC	Print
David Shepardson	Reuters	Print
Jennifer Dlouhy	Bloomberg	Print
Ryan Beene	Bloomberg	Print
Rick Gentilo	AP	Camera
Scott Applewhite	AP	Photo
Kyle Midura	Gray TV	Camera
Will Montague	Fox News	Camera
Chris Jimenez	Fox News	Audio
Zack Hale	S&P Global	Print
Thomas Ichniowski	Engineering News-Record	Print
Elizabeth Shogren	Reveal News	Print
Doug Obey	Inside EPA	Print
Bridget DiCosmo	Energy Intel	Print
Sarah Silbiger	Reuters	Photo

From: Semmel, Rachel K. EOP/OMB <[REDACTED]> **Ex. 6 Personal Privacy (PP)**

Sent: Wednesday, September 18, 2019 5:29 PM

To: Abboud, Michael <abboud.michael@epa.gov>; Brooke, Francis J. Jr. EOP/WHO <[REDACTED]> **Ex. 6 Personal Privacy (PP)**
Kennedy, Adam R. EOP/WHO <[REDACTED]> **Ex. 6 Personal Privacy (PP)** Olmem, Andrew J. EOP/WHO
<[REDACTED]> **Ex. 6 Personal Privacy (PP)**; Deere, Judd P. EOP/WHO <[REDACTED]> **Ex. 6 Personal Privacy (PP)**; Henning, Alexa A.
EOP/WHO <[REDACTED]> **Ex. 6 Personal Privacy (PP)**; Burris, Meghan K. EOP/WHO <[REDACTED]> **Ex. 6 Personal Privacy (PP)**
Symonds, Tori Q. EOP/WHO <[REDACTED]> **Ex. 6 Personal Privacy (PP)**; Kan, Derek T. EOP/OMB <[REDACTED]> **Ex. 6 Personal Privacy (PP)**
Jennings, Chase W. EOP/OMB <[REDACTED]> **Ex. 6 Personal Privacy (PP)**; Ditto, Jessica E. EOP/WHO
<[REDACTED]> **Ex. 6 Personal Privacy (PP)**

Cc: Bradford, Stephen (OST) <stephen.bradford@dot.gov>; Bradbury, Steven (OST) <Steven.Bradbury@dot.gov>; Post, Andy (OST) <Andy.Post@dot.gov>; Idsal, Anne <idsal.anne@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Block, Molly <block.molly@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>

Subject: RE: Trump Administration Announces One National Program Rule on Federal Preemption of State Fuel Economy Standards - Preview

Great! Thanks!

From: Abboud, Michael <abboud.michael@epa.gov>

Sent: Wednesday, September 18, 2019 5:27 PM

To: Brooke, Francis J. Jr. EOP/WHO <[REDACTED]> **Ex. 6 Personal Privacy (PP)** Kennedy, Adam R. EOP/WHO
<[REDACTED]> **Ex. 6 Personal Privacy (PP)**; Olmem, Andrew J. EOP/WHO <[REDACTED]> **Ex. 6 Personal Privacy (PP)**; Deere, Judd P.
EOP/WHO <[REDACTED]> **Ex. 6 Personal Privacy (PP)**; Henning, Alexa A. EOP/WHO <[REDACTED]> **Ex. 6 Personal Privacy (PP)** Burris,
Meghan K. EOP/WHO <[REDACTED]> **Ex. 6 Personal Privacy (PP)**; Symonds, Tori Q. EOP/WHO <[REDACTED]> **Ex. 6 Personal Privacy (PP)**
Kan, Derek T. EOP/OMB <[REDACTED]> **Ex. 6 Personal Privacy (PP)** Semmel, Rachel K. EOP/OMB
<[REDACTED]> **Ex. 6 Personal Privacy (PP)** Jennings, Chase W. EOP/OMB <[REDACTED]> **Ex. 6 Personal Privacy (PP)**; Ditto, Jessica E.
EOP/WHO <[REDACTED]> **Ex. 6 Personal Privacy (PP)**

Cc: Bradford, Stephen (OST) <stephen.bradford@dot.gov>; Bradbury, Steven (OST) <Steven.Bradbury@dot.gov>; Post, Andy (OST) <Andy.Post@dot.gov>; Idsal, Anne <idsal.anne@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Block, Molly <block.molly@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>

Subject: RE: Trump Administration Announces One National Program Rule on Federal Preemption of State Fuel Economy Standards - Preview

8:00 am at the start* of the press conference not conclusion. Apologies for the confusion.

From: Abboud, Michael

Sent: Wednesday, September 18, 2019 5:24 PM

To: Brooke, Francis J. Jr. EOP/WHO <[REDACTED]> **Ex. 6 Personal Privacy (PP)**; Kennedy, Adam R. EOP/WHO
<[REDACTED]> **Ex. 6 Personal Privacy (PP)**; Olmem, Andrew J. EOP/WHO <[REDACTED]> **Ex. 6 Personal Privacy (PP)**; 'Judd Deere'
<[REDACTED]> **Ex. 6 Personal Privacy (PP)**; 'Alexa Henning' <[REDACTED]> **Ex. 6 Personal Privacy (PP)**; 'Meghan Burris'
<[REDACTED]> **Ex. 6 Personal Privacy (PP)**; 'Tori Symonds' <[REDACTED]> **Ex. 6 Personal Privacy (PP)**; Kan, Derek T. EOP/OMB
<[REDACTED]> **Ex. 6 Personal Privacy (PP)** Semmel, Rachel K. EOP/OMB <[REDACTED]> **Ex. 6 Personal Privacy (PP)** Jennings, Chase W.
EOP/OMB <[REDACTED]> **Ex. 6 Personal Privacy (PP)**; 'Jess Ditto' <[REDACTED]> **Ex. 6 Personal Privacy (PP)**

Cc: Bradford, Stephen (OST) <stephen.bradford@dot.gov>; Bradbury, Steven (OST) <Steven.Bradbury@dot.gov>; Post, Andy (OST) <Andy.Post@dot.gov>; Idsal, Anne <idsal.anne@epa.gov>; Andrea Woods <woods.andrea@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Block, Molly <block.molly@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>

Subject: FW: Trump Administration Announces One National Program Rule on Federal Preemption of State Fuel Economy Standards - Preview

WH and OMB team –

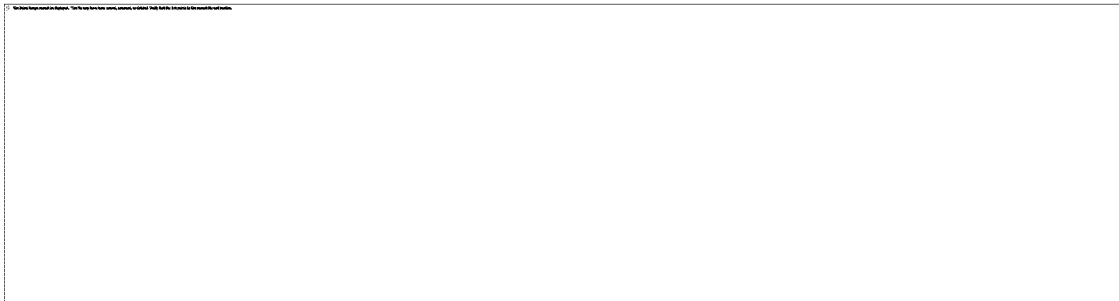
This is the press release with the EPA and DOT letterhead. We will both send ours at 8:00 tomorrow morning at the conclusion of the press conference. We will hand out paper copies to press in attendance as well.

From: EPA Press Office <press@epa.gov>

Sent: Wednesday, September 18, 2019 5:09 PM

To: Abboud, Michael <abboud.michael@epa.gov>

Subject: Trump Administration Announces One National Program Rule on Federal Preemption of State Fuel Economy Standards - Preview



Trump Administration Announces One National Program Rule on Federal Preemption of State Fuel Economy Standards

WASHINGTON (September 19, 2019) – President Trump promised the American people that his Administration would address and correct the current fuel economy and greenhouse gas emissions standards, and today, his Administration is taking steps to fulfill this promise.

Today, the U.S. Department of Transportation’s National Highway Traffic Safety Administration (NHTSA) and the U.S. Environmental Protection Agency (EPA) took an initial step towards finalizing the proposed Safer, Affordable, Fuel-Efficient (SAFE) Vehicles Rule by issuing a final action entitled the “One National Program Rule,” which will enable the federal government to provide nationwide uniform fuel economy and greenhouse gas emission standards for automobiles and light duty trucks.

A top priority for President Trump, when finalized, the proposed SAFE Vehicles Rule standards would establish attainable fuel economy and GHG vehicle emissions standards that will help ensure that more Americans have access to safer, more affordable, and cleaner vehicles that meet their families’ needs. The SAFE rule’s standards are projected to save the nation billions of dollars and strengthen the U.S. domestic manufacturing base by adding millions of new car sales. Most importantly, because newer cars are safer than ever before, the new standards are projected to save

thousands of lives and prevent tens of thousands of Americans from being hospitalized by car crashes.

“Today’s action meets President Trump’s commitment to establish uniform fuel economy standards for vehicles across the United States, ensuring that no State has the authority to opt out of the Nation’s rules, and no State has the right to impose its policies on the rest of the country,” **said Secretary of Transportation Elaine L. Chao.**

“Today, we are delivering on a critical element of President Trump’s commitment to address and fix the current fuel economy and greenhouse gas emissions standards,” **said EPA Administrator Andrew Wheeler.** “One national standard provides much-needed regulatory certainty for the automotive industry and sets the stage for the Trump Administration’s final SAFE rule that will save lives and promote economic growth by reducing the price of new vehicles to help more Americans purchase newer, cleaner, and safer cars and trucks.”

Today’s action finalizes critical parts of the SAFE Vehicles Rule that was first proposed on Aug. 2, 2018. This action brings much-needed certainty to consumers and industry by making it clear that federal law preempts state and local tailpipe greenhouse gas (GHG) emissions standards as well as zero emission vehicle (ZEV) mandates. Specifically, in this action, NHTSA is affirming that its statutory authority to set nationally applicable fuel economy standards under the express preemption provisions of the Energy Policy and Conservation Act dictates that such state and local programs are preempted. For its part, EPA is withdrawing the Clean Air Act preemption waiver it granted to the State of California in January 2013 as it relates to California’s GHG and ZEV programs. California’s ability to enforce its Low Emission Vehicle program and other clean air standards to address harmful smog-forming vehicle emissions is not affected by today’s action.

This action will help ensure that there will be one, and only one, set of national fuel economy and greenhouse gas emission standards for vehicles. The agencies continue to work together to finalize the remaining portions of the SAFE Vehicles Rule, to address proposed revisions to the federal fuel economy and GHG vehicle emissions standards.

In today’s One National Program Rule, NHTSA and EPA have made the following determinations:

Pursuant to Congress’s mandate in the Energy Policy and Conservation Act, only the federal government may set fuel economy standards, and state and local governments may not establish their own separate fuel economy standards. This includes state laws that substantially affect fuel economy standards (such as tailpipe GHG emissions standards and ZEV mandates).

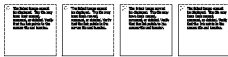
In addition, EPA is withdrawing the 2013 Clean Air Act waiver that authorized California to pursue its own tailpipe greenhouse gas emission standard (fuel economy standard)

and ZEV mandate. As a result, these two programs are also prohibited by the Clean Air Act.

Moving forward, California must continue to enforce its programs to address smog and other forms of traditional air pollution caused by motor vehicles. The state must redouble its efforts to address the worst air quality in the United States and finally achieve compliance with EPA's National Ambient Air Quality Standards, where for decades it has failed to address serious, severe, and extreme non-compliance status in several areas within the state.

Details can be found at NHTSA's website www.NHTSA.gov/SAFE and EPA's website.

Visit TheEPA's
Newsroom



U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004



[Unsubscribe](#)

Message

From: Woods, Clint [woods.clint@epa.gov]
Sent: 9/20/2019 7:29:16 PM
To: McFaul, Jessica [mcfaul.jessica@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Harlow, David [harlow.david@epa.gov]
Subject: RE: Air Letter and Release
Attachments: 09-20-2019 - DRAFT RELEASE - Air Letter to CARB oar.docx

From: McFaul, Jessica <mcfaul.jessica@epa.gov>
Sent: Friday, September 20, 2019 3:23 PM
To: Woods, Clint <woods.clint@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Harlow, David <harlow.david@epa.gov>
Subject: RE: Air Letter and Release

We have a comprehensive press plan that includes exclusive interview pitches. But we do need to put out a release after that comes out.

From: Woods, Clint <woods.clint@epa.gov>
Sent: Friday, September 20, 2019 3:21 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Harlow, David <harlow.david@epa.gov>
Subject: RE: Air Letter and Release

Ex. 5 Deliberative Process (DP)

From: Benevento, Douglas <benevento.douglas@epa.gov>
Sent: Friday, September 20, 2019 3:14 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: Air Letter and Release

Please review and provide final comments. We probably need to have this finalized in the next hour and a half. Please send any edits to Jessica for her to coordinate. Thanks

Message

From: Woods, Clint [woods.clint@epa.gov]
Sent: 9/20/2019 5:09:15 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Harlow, David [harlow.david@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: Updates to SIP Letter
Attachments: SIP LETTER EDIT 09192019 io v3.docx

From: Woods, Clint
Sent: Thursday, September 19, 2019 4:28 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: Updates to SIP Letter

Updated version attached – Thanks!

From: Benevento, Douglas <benevento.douglas@epa.gov>
Sent: Thursday, September 19, 2019 2:58 PM
To: Woods, Clint <woods.clint@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: Updates to SIP Letter

I think this is a good letter. I revised it slightly and made no substantive changes.

Ex. 5 Deliberative Process (DP)
--

Ex. 5 Deliberative Process (DP)	Can you add that in, make
--	---------------------------

any final comments and then Anne we'll have the 830 tomorrow and let's talk about it then or immediately afterwards. Sorry this is not in track changes

Thank you

From: Woods, Clint <woods.clint@epa.gov>
Sent: Thursday, September 19, 2019 1:08 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Updates to SIP Letter

Attached- Thanks!

Message

From: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Sent: 9/26/2019 9:48:44 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Wright, Peter [wright.peter@epa.gov]
Subject: RE: updated
Attachments: ECOS response.docx

Please see attached. Chris and I made some grammatical, stylistic and overall word choice edits. Please take a read through.

Thank you!

From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Thursday, September 26, 2019 5:26 PM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Wright, Peter <wright.peter@epa.gov>
Subject: updated

Final version.

OPA, please edit the attached "ECOS response." We received the attached PDF from ECOS this evening, and we will receive media inquiries for our response.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) Please edit ASAP and redistribute to this email.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 Personal Privacy (PP)

jackson.ryan@epa.gov

Message

From: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Sent: 9/26/2019 9:11:27 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Wright, Peter [wright.peter@epa.gov]
Subject: RE: I'm providing this to Wheeler re ECOS statement
Attachments: EPA works with States.docx

I made some stylistic changes...if needed.

When you say go, we will copy edit and push.

Thank you!

From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Thursday, September 26, 2019 5:06 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Wright, Peter <wright.peter@epa.gov>
Subject: I'm providing this to Wheeler re ECOS statement

Message

From: Block, Molly [block.molly@epa.gov]
Sent: 10/1/2019 9:31:39 PM
To: Schwab, Justin [Schwab.Justin@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Harlow, David [harlow.david@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Cory, Preston (Katherine) [Cory.Preston@epa.gov]
CC: Abboud, Michael [abboud.michael@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]
Subject: RE: seeking EPA comment re California air pollution

Ignore. Clint responded yesterday with the following. Sorry!

California has been granted Clean Air Act waivers for a wide variety of emissions from a wide variety of vehicle types: <https://www.epa.gov/state-and-local-transportation/vehicle-emissions-california-waivers-and-authorizations>

EPA and its state and local partners continue to see substantial reductions in emissions that contribute to ozone, particulate matter, and other criteria pollutants across the country: <https://www.epa.gov/newsreleases/air-pollution-trends-show-cleaner-air-growing-economy-0>

From: Block, Molly
Sent: Tuesday, October 1, 2019 5:30 PM
To: Schwab, Justin <schwab.justin@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Woods, Clint <woods.Clint@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Subject: FW: seeking EPA comment re California air pollution

Anything we want to say here?

From: Jennifer A. Dlouhy (BLOOMBERG/ NEWSROOM:) <jdlouhy1@bloomberg.net>
Sent: Tuesday, October 1, 2019 5:23 PM
To: Press <Press@epa.gov>
Subject: seeking EPA comment re California air pollution

Good afternoon. I just wanted to circle back on this request yesterday and see if you all intended to comment. Right now, I don't have one.

Expanding on yesterday's request for EPA comment, state officials and environmentalists say the federal government is not doing enough to rein in emissions from mobile sources (planes and trains) that are outside California's control, and, they argue the administration is actually threatening to make the state's woes worse by easing tailpipe GHG emissions standards and fuel-economy requirements. Do you all wish to respond to these assertions?

Thanks,
Jen.

Jennifer A. Dlouhy
jdlouhy1@bloomberg.net / jendlouhyenergy@gmail.com
reporterjen@protonmail.com
Desk: 202.807.2159
Cell/Text/Signal: Ex. 6 Personal Privacy (PP)
Twitter: @jendlouhyhc
Stories: <http://bloom.bg/23Crpvk>

From: Jennifer A. Dlouhy (BLOOMBERG/ NEWSROOM:) At: 09/30/19 14:14:44
To: press@epa.gov
Subject: question re California and air emissions

Good afternoon again!

As you know, I sent a separate query regarding the timing of the Cleaner Trucks Initiative.

I'm working on a piece looking at California's air pollution problem, in light of the notification to CARB last week re inadequate, unapproved SIPs.

California air regulators generally say they are doing what they can but have limited authority to go after some mobile sources, such as trains, ships and planes.

Activists and experts generally say California and its air quality management districts could do more to rein in emissions (particularly on stationary sources such as airports/ports tied to planes and ships) but also stress that more needs to be done at the federal level to go after emissions from these other mobile sources. Essentially, their argument, after the notification last week, is that if the EPA is eager to help California reduce criteria air pollutants, the agency can, by getting tougher on airplanes and ships.

Does EPA have a comment on this? If you do, it'd be great to have it by midday tomorrow.

Thanks,
Jen.

Jennifer A. Dlouhy
jdlouhy1@bloomberg.net / jendlouhyenergy@gmail.com
reporterjen@protonmail.com
Desk: 202.807.2159
Cell/Text/Signal: Ex. 6 Personal Privacy (PP)
Twitter: @jendlouhyhc
Stories: <http://bloom.bg/23Crpvk>

Message

From: Abboud, Michael [abboud.michael@epa.gov]
Sent: 8/1/2019 10:18:40 PM
To: Idsal, Anne [idsal.anne@epa.gov]; Harlow, David [harlow.david@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]
CC: Beach, Christopher [beach.christopher@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Subject: FW: Request for comment on report
Attachments: Tech@Risk_Report2019_R7 EMBARGOED (002).pdf

Anything we want to say on this? Hundreds of thousands of new jobs seems absurd.

From: Maxine Joselow <mjoselow@eenews.net>
Sent: Thursday, August 1, 2019 5:06 PM
To: Press <Press@epa.gov>
Subject: Request for comment on report

Hello,

I'm currently writing an article about a new report from the BlueGreen Alliance showing that the SAFE Vehicles rule could prevent automakers from adding hundreds of thousands of new jobs. I have attached a copy of the report to this email. Does EPA have a comment? Please let me know. My deadline is 10pm tonight, and the story will be published tomorrow morning.

Thanks,
Maxine

--

Maxine Joselow
E&E News reporter
202-737-4369 (o)

Ex. 6 Personal Privacy (PP)

 (c)
@maxinejoselow

E&E NEWS

122 C Street NW 7th Floor Washington, DC 20001

www.eenews.net | [@EENewsUpdates](https://twitter.com/EENewsUpdates)

Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

Message

From: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Sent: 9/16/2019 7:16:21 PM
To: Woods, Clint [woods.clint@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Harlow, David [harlow.david@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]
CC: Woods, Andrea [Woods.Andrea@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Block, Molly [block.molly@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]
Subject: RE: Background for Q&A - press report

Got it...thank you!

From: Woods, Clint <woods.clint@epa.gov>
Sent: Monday, September 16, 2019 3:15 PM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>
Cc: Woods, Andrea <Woods.Andrea@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Block, Molly <block.molly@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>
Subject: RE: Background for Q&A - press report

Ex. 5 Deliberative Process (DP)

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Monday, September 16, 2019 3:14 PM
To: Abboud, Michael <abboud.michael@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Woods, Clint <woods.clint@epa.gov>
Cc: Woods, Andrea <Woods.Andrea@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Block, Molly <block.molly@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>
Subject: RE: Background for Q&A - press report

OAR...should we add Isabel on this for the Q/A portion?

Q's would include:

Ex. 5 Deliberative Process (DP)

We can come up with more...

From: Abboud, Michael <abboud.michael@epa.gov>
Sent: Monday, September 16, 2019 2:22 PM
To: Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Woods, Clint <woods.clint@epa.gov>

Cc: Woods, Andrea <Woods.Andrea@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Block, Molly <block.molly@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: FW: Background for Q&A - press report

Andrea combed through some of the articles discussing the proposed split. She distilled the main critiques of revoking the waiver down to the below:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Press Report: SAFE Announcement/Preemption Criticism:

- Revocation will create lack of clarity for the auto makers:
 - A revocation of the California waiver would have national significance. Thirteen other states follow California's tighter standards, together representing roughly a third of the national auto market. **Because of that, the fight over federal auto emissions rules has the potential to split the United States auto market, with some states adhering to stricter pollution standards than others. For automakers, that represents a nightmare scenario. (NYT)**
 - NOTE: In this same article, NYT alleged that EPA was splitting SAFE because the rulemaking process is in disarray
- Every EPA has granted states to set its own standards for vehicles ([Scientific American](#))
- California has the worst air quality in the country – should be able to set higher standards ([Scientific American](#))
- Many automakers, and last week the U.S. Chamber of Commerce, have urged the Trump administration to find a compromise with California that would maintain a single national standard rather than risk splitting the market. ([Politico](#))
- Revoking waiver is hypocritical coming from a Republican administration, who should be advocating for states' rights. ([WaPo op-ed from Arnold Schwarzenegger](#))
- Knee-jerk reactionary policies such as the move to revoke our clean air waiver create uncertainty. These companies have been planning and working toward cleaner cars for a decade. ([WaPo op-ed from Arnold Schwarzenegger](#))
- We know pollution sickens and kills hundreds of thousands; the administration's own EPA says lowering the automobile standard will literally kill more people. ([WaPo op-ed from Arnold Schwarzenegger](#))
- **Consumer Reports Study:**
 - **The SAFE rollback will cost American consumers an additional \$460 billion, which comes out to an added \$3300 per new vehicle**, compared to keeping the current standards, taking into account fuel costs and vehicle costs, among other factors.
 - The rollback will harm the automotive industry, lowering vehicle sales by over 2 million through 2035.
 - The rollback means losing out on the development and installation of fuel-saving technology, which, under the current standards, would have saved drivers \$3 for every \$1 invested.

From: Woods, Andrea <Woods.Andrea@epa.gov>

Sent: Monday, September 16, 2019 2:13 PM

To: Abboud, Michael <abboud.michael@epa.gov>; Block, Molly <block.molly@epa.gov>

Subject: Background for Q&A - press report

I pulled all criticisms I could find and distilled down to bullet points. Full stories are hyperlinked in this doc for reference.

Andrea Woods
Deputy Press Secretary

U.S. Environmental Protection Agency
Office of Public Affairs
202-564-2010

Message

From: Schwab, Justin [Schwab.Justin@epa.gov]
Sent: 9/16/2019 4:59:53 PM
To: Beach, Christopher [beach.christopher@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Harlow, David [harlow.david@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]
Subject: RE: Draft-Deliberative: REMARKS FOR REVIEW
Attachments: EDIT NADA 9-16-19.docx

Please find redline and explanatory bubbles attached.

From: Beach, Christopher <beach.christopher@epa.gov>
Sent: Monday, September 16, 2019 12:45 PM
To: Idsal, Anne <idsal.anne@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Harlow, David <harlow.david@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: Draft-Deliberative: REMARKS FOR REVIEW

Ex. 5 Deliberative Process (DP)

Most of the material in here is from the materials you all helped us put together for the SAFE proposal. The question I had in a few places is if that material is still timely/relevant/accurate. AW has requested to see this by COB today, would you all be able to do a quick review before then? Thanks very much.

Best,
Chris

Message

From: Idsal, Anne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B1BECA8121FB47A08E82B6BF2247A79B-IDSAL, ANNE]
Sent: 9/6/2019 7:20:52 PM
To: Block, Molly [block.molly@epa.gov]
CC: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]
Subject: Re: FOR REVIEW: DRAFT ICYMI: EPA and DOT Put California on Notice - Preview

All good.

Sent from my iPhone

On Sep 6, 2019, at 3:04 PM, Block, Molly <block.molly@epa.gov> wrote:

OK?

Sent from my iPhone

On Sep 6, 2019, at 3:03 PM, Schiermeyer, Corry <schiermeyer.corry@epa.gov> wrote:

Ok by me

Sent from my iPhone

On Sep 6, 2019, at 2:46 PM, Leopold, Matt (OGC) <Leopold.Matt@epa.gov> wrote:

Ok here.

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Block, Molly <block.molly@epa.gov>
Sent: Friday, September 6, 2019 2:42 PM
To: Woods, Clint <woods.clint@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: FOR REVIEW: DRAFT ICYMI: EPA and DOT Put California on Notice - Preview

Hi Team –

What do we think? I would love to kick this out at 3:30 pm. We've been winning the press battle on this for sure. Please let me know if you have any edits or concerns.

Molly

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Sent: 9/16/2019 7:15:11 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Harlow, David [harlow.david@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Schwab, Justin [schwab.justin@epa.gov]
CC: Woods, Andrea [Woods.Andrea@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Block, Molly [block.molly@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]
Subject: RE: Background for Q&A - press report

Ex. 5 Deliberative Process (DP)

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Monday, September 16, 2019 3:14 PM
To: Abboud, Michael <abboud.michael@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Woods, Clint <woods.clint@epa.gov>
Cc: Woods, Andrea <Woods.Andrea@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Block, Molly <block.molly@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>
Subject: RE: Background for Q&A - press report

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Q's would include:

Ex. 5 Deliberative Process (DP)

We can come up with more...

From: Abboud, Michael <abboud.michael@epa.gov>
Sent: Monday, September 16, 2019 2:22 PM
To: Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Woods, Clint <woods.clint@epa.gov>
Cc: Woods, Andrea <Woods.Andrea@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Block, Molly <block.molly@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: FW: Background for Q&A - press report

Andrea combed through some of the articles discussing the proposed split. She distilled the main critiques of revoking the waiver down to the below.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Rest of the doc has the whole articles.

Press Report: SAFE Announcement/Preemption Criticism:

- Revocation will create lack of clarity for the auto makers:
 - A revocation of the California waiver would have national significance. Thirteen other states follow California's tighter standards, together representing roughly a third of the national auto market.

Because of that, the fight over federal auto emissions rules has the potential to split the United States auto market, with some states adhering to stricter pollution standards than others. For automakers, that represents a nightmare scenario. (NYT)

- NOTE: In this same article, NYT alleged that EPA was splitting SAFE because the rulemaking process is in disarray
- Every EPA has granted states to set its own standards for vehicles ([Scientific American](#))
- California has the worst air quality in the country – should be able to set higher standards ([Scientific American](#))
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- Knee-jerk reactionary policies such as the move to revoke our clean air waiver create uncertainty. These companies have been planning and working toward cleaner cars for a decade. ([WaPo op-ed from Arnold Schwarzenegger](#))
- We know pollution [sickens and kills hundreds of thousands](#); the administration's own EPA says lowering the automobile standard will literally [kill more people](#). ([WaPo op-ed from Arnold Schwarzenegger](#))
- **Consumer Reports Study:**
 - **The SAFE rollback will cost American consumers an additional \$460 billion**, which comes out to **an added \$3300 per new vehicle**, compared to keeping the current standards, taking into account fuel costs and vehicle costs, among other factors.
 - The rollback will harm the automotive industry, lowering vehicle sales by over 2 million through 2035.
 - The rollback means losing out on the development and installation of fuel-saving technology, which, under the current standards, would have saved drivers \$3 for every \$1 invested.

From: Woods, Andrea <Woods.Andrea@epa.gov>

Sent: Monday, September 16, 2019 2:13 PM

To: Abboud, Michael <abboud.michael@epa.gov>; Block, Molly <block.molly@epa.gov>

Subject: Background for Q&A - press report

I pulled all criticisms I could find and distilled down to bullet points. Full stories are hyperlinked in this doc for reference.

Andrea Woods
Deputy Press Secretary
U.S. Environmental Protection Agency
Office of Public Affairs
202-564-2010

Message

Sent: 9/20/2019 5:47:24 PM
To: Kolb, John (JohnMark) [kolb.john@epa.gov]; Schwab, Justin [schwab.justin@epa.gov]
Subject: RE: Invite only - Phone Briefing on Fuel Economy Standards today 2pm

Short answer is that state plans are due, in varying intervals, following revisions of the National Ambient Air Quality Standards. EPA is expected to respond to state plans submitted (which meet minimal criteria) within 12 months. More info on key Clean Air Act provisions are at: <https://www.epa.gov/air-quality-implementation-plans/sip-requirements-clean-air-act>

Yesterday's action involves some discussion of subsequent state plan actions

From: Kolb, John (JohnMark) <kolb.john@epa.gov>
Sent: Friday, September 20, 2019 11:19 AM
To: Woods, Clint <woods.clint@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>
Subject: FW: Invite only - Phone Briefing on Fuel Economy Standards today 2pm

Clint and Justin,

Can you please help me out here?

Sincerely,

JohnMark Kolb
Congressional Affairs
U.S. Environmental Protection Agency
O: (202) 564-7793
C: Ex. 6 Personal Privacy (PP)

From: Veale, John <John.Veale@mail.house.gov>
Sent: Thursday, September 19, 2019 5:30 PM
To: Kolb, John (JohnMark) <kolb.john@epa.gov>
Subject: RE: Invite only - Phone Briefing on Fuel Economy Standards today 2pm

No worries. I do have a new question, though. Do you have any idea how often each State Improvement Plan provision has to come up for review, or whether the EPA can trigger an early review?

We are already getting a flood of comments from truckers who are disappointed that California's Truck and Bus rule is not also being dealt with. Obviously, we are very happy with the EPA's actions today, but we would like to at least send a letter on their behalf outlining some of our issues with California's Truck and Bus rule as part of their SIP.

Thanks,

John Veale
Congressman Doug LaMalfa (CA-01)

From: Kolb, John (JohnMark) <kolb.john@epa.gov>
Sent: Thursday, September 19, 2019 5:09 PM
To: Veale, John <John.Veale@mail.house.gov>
Subject: Re: Invite only - Phone Briefing on Fuel Economy Standards today 2pm

Awesome. Sorry I didn't get back to you earlier.

JohnMark Kolb
Congressional Affairs
US Environmental Protection Agency

Ex. 6 Personal Privacy (PP)

On Sep 19, 2019, at 4:48 PM, Veale, John <John.Veale@mail.house.gov> wrote:

Hey JohnMark,

We actually figured out the distinction. The Truck and Bus rule is under the California State Improvement Plan, which is approved by EPA, rather than being directly tied to the higher standards they use as a result of the waiver authority.

Thanks,

John Veale
Congressman Doug LaMalfa (CA-01)

From: Veale, John
Sent: Thursday, September 19, 2019 3:42 PM
To: Kolb, John (JohnMark) <kolb.john@epa.gov>
Subject: RE: Invite only - Phone Briefing on Fuel Economy Standards today 2pm

Hey JohnMark,

I wasn't on the conference call earlier, but I did want to ask where the distinction was being made between the passenger vehicles and the heavy-duty vehicles that are also being regulated by California? My understanding is that CARB believes the Truck and Bus rule will stay the way it is.

Thanks,

John Veale
Congressman Doug LaMalfa (CA-01)

From: Kolb, John (JohnMark) <kolb.john@epa.gov>
Sent: Thursday, September 19, 2019 9:57 AM
To: Veale, John <John.Veale@mail.house.gov>
Subject: FW: Invite only - Phone Briefing on Fuel Economy Standards today 2pm

John,

Thanks again for you getting your boss here this morning. Below is invite for 2pm briefing. We should be uploading video of the speech soon.

I wanted to invite you to join DOT and EPA staff at 2pm today for a phone briefing on the recent announcement regarding Fuel Economy Standards. This is to provide background on the policy and answer any questions you have.

Dial in: Ex. 6 Personal Privacy (PP)

Please let me know if you can join.

Sincerely,

JohnMark Kolb

Congressional Affairs

U.S. Environmental Protection Agency

O: (202) 564-7793

C: Ex. 6 Personal Privacy (PP)

Trump Administration Announces One National Program Rule on Federal Preemption of State Fuel Economy Standards

WASHINGTON (September 19, 2019) – President Trump promised the American people that his Administration would address and correct the current fuel economy and greenhouse gas emissions standards, and today, his Administration is taking steps to fulfill this promise.

Today, the U.S. Department of Transportation’s National Highway Traffic Safety Administration (NHTSA) and the U.S. Environmental Protection Agency (EPA) took an initial step towards finalizing the proposed Safer, Affordable, Fuel-Efficient (SAFE) Vehicles Rule by issuing a final action entitled the “One National Program Rule,” which will enable the federal government to provide nationwide uniform fuel economy and greenhouse gas emission standards for automobiles and light duty trucks.

A top priority for President Trump, when finalized, the proposed SAFE Vehicles Rule standards would establish attainable fuel economy and GHG vehicle emissions standards that will help ensure that more Americans have access to safer, more affordable, and cleaner vehicles that meet their families’ needs. The SAFE rule’s standards are projected to save the nation billions of dollars and strengthen the U.S. domestic manufacturing base by adding millions of new car sales. Most importantly, because newer cars are safer than ever before, the new standards are projected to save thousands of lives and prevent tens of thousands of Americans from being hospitalized by car crashes.

“Today’s action meets President Trump’s commitment to establish uniform fuel economy standards for vehicles across the United States, ensuring that no State has the authority to opt out of the Nation’s rules, and no State has the right to impose its policies on the rest of the country,” **said Secretary of Transportation Elaine L. Chao.**

“Today, we are delivering on a critical element of President Trump’s commitment to address and fix the current fuel economy and greenhouse gas emissions standards,” **said EPA Administrator Andrew Wheeler.** “One national standard provides much-needed regulatory certainty for the automotive industry and sets the stage for the Trump Administration’s final SAFE rule that will

save lives and promote economic growth by reducing the price of new vehicles to help more Americans purchase newer, cleaner, and safer cars and trucks.”

Today’s action finalizes critical parts of the SAFE Vehicles Rule that was first proposed on Aug. 2, 2018. This action brings much-needed certainty to consumers and industry by making it clear that federal law preempts state and local tailpipe greenhouse gas (GHG) emissions standards as well as zero emission vehicle (ZEV) mandates. Specifically, in this action, NHTSA is affirming that its statutory authority to set nationally applicable fuel economy standards under the express preemption provisions of the Energy Policy and Conservation Act dictates that such state and local programs are preempted. For its part, EPA is withdrawing the Clean Air Act preemption waiver it granted to the State of California in January 2013 as it relates to California’s GHG and ZEV programs. California’s ability to enforce its Low Emission Vehicle program and other clean air standards to address harmful smog-forming vehicle emissions is not affected by today’s action.

This action will help ensure that there will be one, and only one, set of national fuel economy and greenhouse gas emission standards for vehicles. The agencies continue to work together to finalize the remaining portions of the SAFE Vehicles Rule, to address proposed revisions to the federal fuel economy and GHG vehicle emissions standards.

In today’s One National Program Rule, NHTSA and EPA have made the following determinations:

Pursuant to Congress’s mandate in the Energy Policy and Conservation Act, only the federal government may set fuel economy standards, and state and local governments may not establish their own separate fuel economy standards. This includes state laws that substantially affect fuel economy standards (such as tailpipe GHG emissions standards and ZEV mandates).

In addition, EPA is withdrawing the 2013 Clean Air Act waiver that authorized California to pursue its own tailpipe greenhouse gas emission standard (fuel economy standard) and ZEV mandate. As a result, these two programs are also prohibited by the Clean Air Act.

Moving forward, California must continue to enforce its programs to address smog and other forms of traditional air pollution caused by motor vehicles. The state must redouble its efforts to address the worst air quality in the United States and finally achieve compliance with EPA’s National Ambient Air Quality Standards, where for decades it has failed to address serious, severe, and extreme non-compliance status in several areas within the state.

Details can be found at [NHTSA’s website](#) and [EPA’s website](#).

Message

From: woods.clint@epa.gov [woods.clint@epa.gov]
Sent: 9/16/2019 1:24:25 PM
To: Dominguez, Alexander [dominguez.alexander@epa.gov]
Subject: Fwd: Freestyle

Begin forwarded message:

From: "Schwab, Justin" <Schwab.Justin@epa.gov>
Date: September 14, 2019 at 11:51:03 AM EDT
To: "Beach, Christopher" <beach.christopher@epa.gov>, "Harlow, David" <harlow.david@epa.gov>
Cc: "Woods, Clint" <woods.clint@epa.gov>
Subject: RE: Freestyle

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

-----Original Message-----

From: Beach, Christopher <beach.christopher@epa.gov>
Sent: Friday, September 13, 2019 7:21 PM
To: Harlow, David <harlow.david@epa.gov>
Cc: Schwab, Justin <Schwab.Justin@epa.gov>; Woods, Clint <woods.clint@epa.gov>
Subject: Re: Freestyle

He did! And while on the bus. Can't imagine what you're capable of behind a desk! Thanks for this and the other docs.

Sent from my iPhone

On Sep 13, 2019, at 6:54 PM, Harlow, David <harlow.david@epa.gov> wrote:

Justin,

If you typed all of that on your iPhone, well, you know, bravo and stuff.

David S. Harlow

Senior Counsel

Immediate Office of the Acting Assistant Administrator Office of Air
and Radiation, USEPA WJC-N Room 5409K

1200 Pennsylvania Avenue NW

Washington, DC 20460

202-564-1233

Harlow.David@epa.gov

-----Original Message-----

From: Schwab, Justin <Schwab.Justin@epa.gov>

Sent: Friday, September 13, 2019 6:26 PM

To: Beach, Christopher <beach.christopher@epa.gov>

Cc: Harlow, David <harlow.david@epa.gov>; Woods, Clint
<woods.clint@epa.gov>

Subject: Freestyle

David and Clint - Chris has asked for material to help him work up TPs/longer
form material for AW. I've sent him the most recent draft for close hold. Below is

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

Message

From: woods.clint@epa.gov [woods.clint@epa.gov]
Sent: 9/16/2019 1:23:13 PM
To: Dominguez, Alexander [dominguez.alexander@epa.gov]
Subject: Fwd: DRAFT joint press release from DOT/EPA
Attachments: dsh RLSO EDIT One National Program Rule Press Release (Sgb Draft 9.15.2019) (Clean) mb.docx; ATT00001.htm

Begin forwarded message:

From: "Block, Molly" <block.molly@epa.gov>
Date: September 16, 2019 at 8:46:33 AM EDT
To: "Harlow, David" <harlow.david@epa.gov>, "Schwab, Justin" <Schwab.Justin@epa.gov>, "Abboud, Michael" <abboud.michael@epa.gov>, "Idsal, Anne" <idsal.anne@epa.gov>, "Woods, Clint" <woods.clint@epa.gov>, "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>
Cc: "Woods, Andrea" <Woods.Andrea@epa.gov>, "Beach, Christopher" <beach.christopher@epa.gov>, "McFaul, Jessica" <mcfaul.jessica@epa.gov>, "Schiermeyer, Corry" <schiermeyer.corry@epa.gov>
Subject: RE: DRAFT joint press release from DOT/EPA

Moved the quotes up in the press release.

From: Harlow, David
Sent: Sunday, September 15, 2019 3:07 PM
To: Schwab, Justin <Schwab.Justin@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Woods, Andrea <Woods.Andrea@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Block, Molly <block.molly@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: RE: DRAFT joint press release from DOT/EPA

A few additional suggestions, on top of Justin's edits, of which I "accepted all" in the attached RLSO, for the sake of distinguishing clarity. Take these of mine for what, if anything, you may find they're worth.

David S. Harlow
Senior Counsel
Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

From: Schwab, Justin <Schwab.Justin@epa.gov>
Sent: Sunday, September 15, 2019 1:14 PM
To: Abboud, Michael <abboud.michael@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Harlow, David <harlow.david@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Woods, Andrea <Woods.Andrea@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Block, Molly <block.molly@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: RE: DRAFT joint press release from DOT/EPA

Please find attached.

From: Abboud, Michael <abboud.michael@epa.gov>
Sent: Sunday, September 15, 2019 12:21 PM
To: Idsal, Anne <idsal.anne@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Harlow, David <harlow.david@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Woods, Andrea <Woods.Andrea@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Block, Molly <block.molly@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: FW: DRAFT joint press release from DOT/EPA

Can you OAR/OGC look and see if there are any edits/additions that need to be made?

Chris can you work on a quote for Wheeler.

Wheeler will want to see a draft of this tomorrow afternoon before the WH meeting on Tuesday morning.

From: Bradford, Stephen (OST) <stephen.bradford@dot.gov>
Sent: Sunday, September 15, 2019 12:10 PM
To: Abboud, Michael <abboud.michael@epa.gov>
Cc: Post, Andy (OST) <Andy.Post@dot.gov>
Subject: DRAFT joint press release from DOT/EPA

The attached is a deliberative and pre-decisional draft not for release-----

Mike; we should move the quotes up and I'll have edits to SI's quote, but this is looking pretty close our end if you can get EPA sign off on the draft and provide a quote.

Cheers

Steve

Get [Outlook for iOS](#)

Press Report: SAFE Announcement/Preemption Criticism:

- Revocation will create lack of clarity for the auto makers:
 - A revocation of the California waiver would have national significance. Thirteen other states follow California's tighter standards, together representing roughly a third of the national auto market. **Because of that, the fight over federal auto emissions rules has the potential to split the United States auto market, with some states adhering to stricter pollution standards than others. For automakers, that represents a nightmare scenario. (NYT)**
 - NOTE: In this same article, NYT alleged that EPA was splitting SAFE because the rulemaking process is in disarray
- Every EPA has granted states to set its own standards for vehicles ([Scientific American](#))
- California has the worst air quality in the country – should be able to set higher standards ([Scientific American](#))
- Many automakers, and last week the U.S. Chamber of Commerce, have urged the Trump administration to find a compromise with California that would maintain a single national standard rather than risk splitting the market. ([Politico](#))
- Revoking waiver is hypocritical coming from a Republican administration, who should be advocating for states' rights. ([WaPo op-ed from Arnold Schwarzenegger](#))
- Knee-jerk reactionary policies such as the move to revoke our clean air waiver create uncertainty. These companies have been planning and working toward cleaner cars for a decade. ([WaPo op-ed from Arnold Schwarzenegger](#))
- We know pollution sickens and kills hundreds of thousands; the administration's own EPA says lowering the automobile standard will literally kill more people. ([WaPo op-ed from Arnold Schwarzenegger](#))
- Consumer Reports Study:
 - **The SAFE rollback will cost American consumers an additional \$460 billion**, which comes out to **an added \$3300 per new vehicle**, compared to keeping the current standards, taking into account fuel costs and vehicle costs, among other factors.
 - The rollback will harm the automotive industry, lowering vehicle sales by over 2 million through 2035.
 - The rollback means losing out on the development and installation of fuel-saving technology, which, under the current standards, would have saved drivers \$3 for every \$1 invested.

New York Times

<https://www.nytimes.com/2019/09/05/climate/trump-auto-pollution-california.html>

White House Prepares to Revoke California's Right to Set Tougher Pollution Rules

By Coral Davenport

September 5, 2019

WASHINGTON — President Trump is strongly considering a plan to revoke California's legal authority to set state tailpipe pollution standards that are stricter than federal regulations, according to three people familiar with the matter.

The potential challenge to California's authority, which would be a stinging broadside to the state's governor and environmentalists, has been widely anticipated. But what's notable is that the administration would be decoupling its challenge to California from its broader plan to weaken federal fuel economy standards, the latest sign that its plans for that rollback have fallen into disarray.

Since the early months of the administration, the Environmental Protection Agency and the Transportation Department have been pursuing one of Mr. Trump's most consequential attempts to weaken regulations designed to fight climate change: a sweeping rollback of Obama-era rules designed to cut the emissions of planet-warming greenhouse gases.

But that rollback has become bogged down, according to people who have worked on the project, largely because staff members have been unable so far to prepare adequate documents detailing the legal, technical, economic and scientific justifications for it.

The administration's plans have been further complicated because major automakers have told the White House that they do not want such an aggressive rollback. In addition, four major automakers have signed a deal with California pledging to abide by the state's stricter standards if the national rollback goes through.

"They are having a lot of problems," said Margo Oge, a former E.P.A. official who now advises auto companies on vehicle emissions policy issues.

However, staff members months ago completed work on the simpler legal language required to revoke the California waiver.

"Unfortunately, California is trying to impose its failed policies on the rest of the country by making new cars significantly more expensive for American consumers and less safe," said Russ Vought, the acting director of the White House Office of Management and Budget, in an emailed statement. "Even worse for Americans on the road, a handful of irresponsible automakers are aiding California's radical agenda that will hurt every one of us."

Mr. Trump's supporters applauded the idea. "Withdrawing the California waiver is the most important part," of the new fuel-economy rule, wrote Myron Ebell, who heads the energy program at the

Competitive Enterprise Institute, an industry-funded research organization, and who led the administration's transition at the E.P.A., in an email.

"It puts California back on an equal footing with the other 49 states and means that California cannot dictate what kinds of cars people can drive across the entire country," he said. Revoking the waiver now, he said, also increases the likelihood that any legal challenges reach the Supreme Court before the end of Trump's first term.

That is important because Trump administration lawyers would be expected to fight for the revocation of California's waiver before the Supreme Court, but that would be unlikely if the case reached the court under a Democratic president.

California's special right to set its own tailpipe pollution rules dates to the 1970 Clean Air Act, the landmark federal legislation designed to fight air pollution nationwide. The law granted California a waiver to set stricter rules of its own because the state already had clear air legislation in place.

A revocation of the California waiver would have national significance. Thirteen other states follow California's tighter standards, together representing roughly a third of the national auto market. Because of that, the fight over federal auto emissions rules has the potential to split the United States auto market, with some states adhering to stricter pollution standards than others. For automakers, that represents a nightmare scenario.

The Obama-era tailpipe pollution rules that the administration hopes to weaken would require automakers to build vehicles that achieve an average fuel economy of 54.5 miles per gallon by 2025, cutting about six billion tons of carbon dioxide pollution over the lifetimes of those vehicles. The proposed Trump rule would lower the requirement to about 37 miles per gallon, allowing for most of that pollution to be emitted.

Originally, officials had hoped to complete work on that rule and introduce it by this spring, allowing time for the expected legal fight over the measure to reach the Supreme Court by 2020, during Mr. Trump's first term.

As it became clearer in recent months that administration officials had not been able to complete the thousands of pages of analyses required to put forth the rollback of the broader rule on nationwide vehicle pollution, White House officials began considering moving forward with the one piece of the plan that was ready, according to people familiar with the matter, the revocation of the Clean Air Act provision giving California its special status.

Xavier Becerra, the California attorney general, restated his intention to sue over any attempt to undermine his state's legal authority to set its own pollution standards. "California will continue its advance toward a cleaner future," he wrote in an email.

A spokeswoman for the American Auto Alliance, which lobbies on behalf of the largest automakers, declined to comment until any plan had been made public.

Politico

<https://subscriber.politicopro.com/article/2019/09/source-white-house-may-split-california-attack-from-rest-of-auto-rule-3788809>

Source: White House may split California attack from rest of auto rule

Alex Guillen, Daniel Lippman

The Trump administration is considering soon finalizing a rule blocking California from enforcing strict greenhouse gas emissions auto standards separately from a more complicated rulemaking weakening the national standards, a White House official told POLITICO.

The proposed rule released last year contained two major components: a freeze on national auto emissions and fuel economy standards starting with model year 2021 vehicles, and language essentially revoking California's legal authority to set and enforce more stringent rules for itself and 14 other states.

The official pointed out that a decision on splitting the preemption issue off and finalizing it more quickly has not yet been made. The final version is still being reviewed at the White House's Office of Information and Regulatory Affairs, but a possible review of the full, complex technical rule could take several months to complete.

California has vowed to fight any move by the administration to weaken the standards or attack its authority to enforce stricter rules for itself and other states that follow its standards. But the state ramped up pressure against the White House this summer by striking a deal with Ford and three other automakers to continue making significant emissions improvements.

Many automakers, and last week the U.S. Chamber of Commerce, have urged the Trump administration to find a compromise with California that would maintain a single national standard rather than risk splitting the market. But talks between California and the Trump administration ended acrimoniously earlier this year, making a deal unlikely.

Scientific American

<https://www.scientificamerican.com/article/relaxing-vehicle-efficiency-standards-is-a-truly-dangerous-idea/>

Relaxing Vehicle-Efficiency Standards Is a Truly Dangerous Idea

By Rob Jackson

July 1, 2018

Seven years ago representatives from General Motors, Ford, Chrysler and other car manufacturers joined President Barack Obama to announce historic new vehicle mileage standards. The industry-supported targets would have doubled the fuel efficiency of cars and light trucks in the U.S. to 54.5 miles per gallon by 2025.

But in April the Environmental Protection Agency announced plans to roll back part or all of the new standards, saying they were “wrong” and based on “politically charged expediency.” Let me explain why this terrible idea should unify Republicans and Democrats in opposition. The rollback is going to harm us economically and hurt us physically.

The Obama-era standards made sense for many reasons, starting with our wallets. It is true that each vehicle would initially cost \$1,000 to \$2,000 more as manufacturers researched lighter materials and built stronger vehicles. In return, though, we would save about \$3,000 to \$5,000 in gas over the life of each vehicle, according to a 2016 report by Consumers Union. (Because gas prices were higher in 2011 and 2012, when the standards were proposed, estimated savings back then were significantly higher—about \$8,000 per car. Prices have risen somewhat since 2016.) This research will also help auto companies compete internationally.

National security and trade deficits are also reasons to keep the existing standards. Despite a growing domestic oil industry, the U.S. imported more than 10 million barrels of oil daily last year, about a third of it coming from OPEC nations. Imports added almost \$100 billion to our trade deficit, sending hard-earned dollars to Canada, Saudi Arabia, Venezuela, Iraq and Colombia. Better gas mileage could eliminate half of our OPEC imports. It would also make our country safer and more energy-independent.

The biggest reason to support the fuel-efficiency standards, however, is the link between vehicle exhaust and human health. More than four in 10 Americans—some 134 million of us—live in regions with unhealthy particulate pollution and ozone in the air. That dirty air makes people sick and can even kill them. A 2013 study by the Massachusetts Institute of Technology estimated that about 200,000 Americans now die every year from air pollution. The number-one cause of those deaths—more than 50,000 of them—is air pollution from road traffic.

Air pollution, and smog in particular, is the reason California places so much emphasis on air-quality standards. The federal Clean Air Act gives the state the right to set its own standards for vehicles, pending approval by the EPA administrator. This arrangement is not new. It began with model-year 1969

vehicles. Every White House administration since then—Republican and Democrat—has approved waivers for California and allowed other states to follow California's lead.

Despite tremendous progress by companies and through targeted regulations, California still has the worst air quality in the country. According to the American Lung Association, the top four metropolitan areas for ozone pollution are those of Los Angeles, Bakersfield, Visalia and Fresno. Six of the top seven for year-round particle pollution are all in California, too. In case anyone thinks this is blue-state California's problem, think again. Air pollution is red-blue color-blind when it comes to making us sick. Other cities high on the pollution lists include Phoenix, Pittsburgh, Salt Lake City, Cleveland, Cincinnati, Dallas and my childhood home, Houston.

Here is what a rollback in mileage standards would mean: Thousands of Americans would die unnecessarily from cardiovascular and other diseases every year. Our elderly would face more bronchitis and emphysema. More children would develop asthma—a condition that, according to an estimate by the Centers for Disease Control and Prevention, affects more than one in 12. Millions of your sons and daughters have it. My son does, too.

Rarely in my career have I seen a proposal more shortsighted and counterproductive than this one. Please say there is still time to change our minds.

Washington Post

https://beta.washingtonpost.com/opinions/trump-cant-erase-a-decade-of-clean-air-progress-with-a-sharpie/2019/09/08/8d6393de-d248-11e9-86ac-0f250cc91758_story.html

Arnold Schwarzenegger: Trump can't erase a decade of clean air progress with a Sharpie

By Arnold Schwarzenegger

California has been a leader in the fight to clean our air since one of my heroes, Ronald Reagan, was our governor.

The Trump administration, for some reason, is hellbent on reversing decades of history and progress. Whether it is political pettiness, shortsightedness or just plain jealousy, I couldn't tell you. I can tell you that it's wrong. It's un-American. And it's an affront to long-standing conservative principles.

To understand why I'm so angry about the administration's move to revoke California's waiver to regulate automobile emissions, you must understand the history. In 1967, Reagan established the California Air Resources Board to fight crippling pollution. He appointed as its first director not a political hack or lobbyist, but a scientist, Arie Jan Haagen-Smit, who was a pioneering researcher of the causes and impacts of smog. The 1970 Clean Air Act, signed by another California Republican, President Richard M. Nixon, gave California the authority to regulate air pollution — and ever since, we have had what is called a waiver from the federal government to set car pollution limits.

Historically, it worked well. We set our standards, and the federal government didn't just respect our authority, it generally made our rules the standard for the entire nation. During my time as governor, we had some hiccups with George W. Bush administration officials. They told us greenhouse gases were not a pollutant, and we won in the Supreme Court (duh). Then they didn't approve our clean air waiver, but that ended when President Barack Obama took office and made a compromise version of our state standard the national standard.

The Trump administration's threat to revoke our waiver to clean our air is more extreme. And coming from a Republican White House, it's downright hypocritical.

How many times have you heard conservatives beat the drum of states' rights? But suddenly, when a state wants to pollute less and protect its citizens from deadly pollution, conservatives throw states' rights straight out the window. Nixon and Reagan understood the importance of California's right to clean air, but some so-called Republicans today seem to only believe in states' rights when it's convenient, when the state voted for their party, or when the state is doing something really dumb.

How many times have you heard Republicans talk about being pro-business? But now, when automakers plead with the administration that they don't want the Stone Age standards the White House is fighting for, some Republicans aren't acting very pro-business. This administration is even taking the extraordinary step of investigating four companies — Ford, Honda, BMW and Volkswagen — that made an agreement with California to reduce their emissions. That agreement is another

compromise, because California isn't anti-business. And I guarantee you that more big carmakers will be joining those forward-thinking companies.

How many times have you heard Republicans talk about security and public safety? When Americans are attacked or bridges collapse, we demand action. We know pollution sickens and kills hundreds of thousands; the administration's own EPA says lowering the automobile standard will literally kill more people. But suddenly public safety doesn't matter much anymore.

So why is revoking California's waiver even being discussed?

I'm sure the EPA and the White House will continue to say this dumb policy decision is all about stopping regulations that "cripple the economy."

They should come out to California. Last year, the U.S. economy grew by 2.9 percent. California's economy, with our supposedly crippling regulations, grew by 3.5 percent. We've outpaced the nation's economic growth even as we've protected our people.

Our success is built on our consistency. Ever since Reagan, each governor has continued the legacy of moving toward a clean energy future. We don't play the games Washington does, with each administration changing the trajectory of the United States and forcing businesses to guess about where we are headed.

That's a big reason nearly half of the venture capital in the United States comes to California. Businesses aren't just thinking about their talking points for their next campaign. They're planning for five years, 10 years, 20 years. Businesses must have long-term vision to succeed.

Knee-jerk reactionary policies such as the move to revoke our clean air waiver create uncertainty. These companies have been planning and working toward cleaner cars for a decade. They didn't ask for the Trump administration's backward thinking, and they know it won't help them. This "solution" in search of a problem reminds me of the nine words that most terrified Reagan: "I'm from the government and I'm here to help."

Business leaders — and Californians — know that you can't just erase decades of history and progress by drawing a line through it with a Sharpie. It's time the administration learns that lesson. California will fight this decision. And I promise you, we will win.

Message

From: Kolb, John (JohnMark) [kolb.john@epa.gov]
Sent: 9/20/2019 5:56:51 PM
To: Woods, Clint [woods.clint@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]
Subject: RE: Invite only - Phone Briefing on Fuel Economy Standards today 2pm

Thank you!

From: Woods, Clint <woods.clint@epa.gov>
Sent: Friday, September 20, 2019 1:54 PM
To: Kolb, John (JohnMark) <kolb.john@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>
Subject: RE: Invite only - Phone Briefing on Fuel Economy Standards today 2pm

Short answer is that state plans are due, in varying intervals, following revisions of the National Ambient Air Quality Standards. EPA is expected to respond to state plans submitted (which meet minimal criteria) within 12 months. More info on key Clean Air Act provisions are at: <https://www.epa.gov/air-quality-implementation-plans/sip-requirements-clean-air-act>

Yesterday's action involves some discussion of state plans (see pg. 125: <https://www.epa.gov/sites/production/files/2019-09/documents/safe-vehicles-fr-part1-2019-09-19.pdf>).

From: Kolb, John (JohnMark) <kolb.john@epa.gov>
Sent: Friday, September 20, 2019 11:19 AM
To: Woods, Clint <woods.clint@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>
Subject: FW: Invite only - Phone Briefing on Fuel Economy Standards today 2pm

Clint and Justin,

Can you please help me out here?

Sincerely,

JohnMark Kolb
Congressional Affairs
U.S. Environmental Protection Agency
O: (202) 564-7793
C: Ex. 6 Personal Privacy (PP)

From: Veale, John <John.Veale@mail.house.gov>
Sent: Thursday, September 19, 2019 5:30 PM
To: Kolb, John (JohnMark) <kolb.john@epa.gov>
Subject: RE: Invite only - Phone Briefing on Fuel Economy Standards today 2pm

No worries. I do have a new question, though. Do you have any idea how often each State Improvement Plan provision has to come up for review, or whether the EPA can trigger an early review?

We are already getting a flood of comments from truckers who are disappointed that California's Truck and Bus rule is not also being dealt with. Obviously, we are very happy with the EPA's actions today, but we would like to at least send a letter on their behalf outlining some of our issues with California's Truck and Bus rule as part of their SIP.

Thanks,

John Veale

Congressman Doug LaMalfa (CA-01)

From: Kolb, John (JohnMark) <kolb.john@epa.gov>

Sent: Thursday, September 19, 2019 5:09 PM

To: Veale, John <John.Veale@mail.house.gov>

Subject: Re: Invite only - Phone Briefing on Fuel Economy Standards today 2pm

Awesome. Sorry I didn't get back to you earlier.

JohnMark Kolb

Congressional Affairs

US Environmental Protection Agency

Ex. 6 Personal Privacy (PP)

On Sep 19, 2019, at 4:48 PM, Veale, John <John.Veale@mail.house.gov> wrote:

Hey JohnMark,

We actually figured out the distinction. The Truck and Bus rule is under the California State Improvement Plan, which is approved by EPA, rather than being directly tied to the higher standards they use as a result of the waiver authority.

Thanks,

John Veale

Congressman Doug LaMalfa (CA-01)

From: Veale, John

Sent: Thursday, September 19, 2019 3:42 PM

To: Kolb, John (JohnMark) <kolb.john@epa.gov>

Subject: RE: Invite only - Phone Briefing on Fuel Economy Standards today 2pm

Hey JohnMark,

I wasn't on the conference call earlier, but I did want to ask where the distinction was being made between the passenger vehicles and the heavy-duty vehicles that are also being regulated by California? My understanding is that CARB believes the Truck and Bus rule will stay the way it is.

Thanks,

John Veale

Congressman Doug LaMalfa (CA-01)

From: Kolb, John (JohnMark) <kolb.john@epa.gov>

Sent: Thursday, September 19, 2019 9:57 AM

To: Veale, John <John.Veale@mail.house.gov>

Subject: FW: Invite only - Phone Briefing on Fuel Economy Standards today 2pm

John,

Thanks again for you getting your boss here this morning. Below is invite for 2pm briefing. We should be uploading video of the speech soon.

I wanted to invite you to join DOT and EPA staff at 2pm today for a phone briefing on the recent announcement regarding Fuel Economy Standards. This is to provide background on the policy and answer any questions you have.

Dial in: Ex. 6 Personal Privacy (PP)
ID: Ex. 6 Personal Privacy (PP)

Please let me know if you can join.

Sincerely,

JohnMark Kolb
Congressional Affairs
U.S. Environmental Protection Agency
O: (202) 564-7793
C: Ex. 6 Personal Privacy (PP)

Trump Administration Announces One National Program Rule on Federal Preemption of State Fuel Economy Standards

WASHINGTON (September 19, 2019) – President Trump promised the American people that his Administration would address and correct the current fuel economy and greenhouse gas emissions standards, and today, his Administration is taking steps to fulfill this promise.

Today, the U.S. Department of Transportation’s National Highway Traffic Safety Administration (NHTSA) and the U.S. Environmental Protection Agency (EPA) took an initial step towards finalizing the proposed Safer, Affordable, Fuel-Efficient (SAFE) Vehicles Rule by issuing a final action entitled the “One National Program Rule,” which will enable the federal government to provide nationwide uniform fuel economy and greenhouse gas emission standards for automobiles and light duty trucks.

A top priority for President Trump, when finalized, the proposed SAFE Vehicles Rule standards would establish attainable fuel economy and GHG vehicle emissions standards that will help ensure that more Americans have access to safer, more affordable, and cleaner vehicles that meet their families’ needs. The SAFE rule’s standards are projected to save the nation billions of dollars and strengthen the U.S. domestic manufacturing base by adding millions of new car sales. Most importantly, because newer cars are safer than ever before, the new standards are projected to save thousands of lives and prevent tens of thousands of Americans from being hospitalized by car crashes.

“Today’s action meets President Trump’s commitment to establish uniform fuel economy standards for vehicles across the United States, ensuring that no State has the authority to opt out

of the Nation's rules, and no State has the right to impose its policies on the rest of the country," **said Secretary of Transportation Elaine L. Chao.**

"Today, we are delivering on a critical element of President Trump's commitment to address and fix the current fuel economy and greenhouse gas emissions standards," **said EPA Administrator Andrew Wheeler.** "One national standard provides much-needed regulatory certainty for the automotive industry and sets the stage for the Trump Administration's final SAFE rule that will save lives and promote economic growth by reducing the price of new vehicles to help more Americans purchase newer, cleaner, and safer cars and trucks."

Today's action finalizes critical parts of the SAFE Vehicles Rule that was first proposed on Aug. 2, 2018. This action brings much-needed certainty to consumers and industry by making it clear that federal law preempts state and local tailpipe greenhouse gas (GHG) emissions standards as well as zero emission vehicle (ZEV) mandates. Specifically, in this action, NHTSA is affirming that its statutory authority to set nationally applicable fuel economy standards under the express preemption provisions of the Energy Policy and Conservation Act dictates that such state and local programs are preempted. For its part, EPA is withdrawing the Clean Air Act preemption waiver it granted to the State of California in January 2013 as it relates to California's GHG and ZEV programs. California's ability to enforce its Low Emission Vehicle program and other clean air standards to address harmful smog-forming vehicle emissions is not affected by today's action.

This action will help ensure that there will be one, and only one, set of national fuel economy and greenhouse gas emission standards for vehicles. The agencies continue to work together to finalize the remaining portions of the SAFE Vehicles Rule, to address proposed revisions to the federal fuel economy and GHG vehicle emissions standards.

In today's One National Program Rule, NHTSA and EPA have made the following determinations:

Pursuant to Congress's mandate in the Energy Policy and Conservation Act, only the federal government may set fuel economy standards, and state and local governments may not establish their own separate fuel economy standards. This includes state laws that substantially affect fuel economy standards (such as tailpipe GHG emissions standards and ZEV mandates).

In addition, EPA is withdrawing the 2013 Clean Air Act waiver that authorized California to pursue its own tailpipe greenhouse gas emission standard (fuel economy standard) and ZEV mandate. As a result, these two programs are also prohibited by the Clean Air Act.

Moving forward, California must continue to enforce its programs to address smog and other forms of traditional air pollution caused by motor vehicles. The state must redouble its efforts to address the worst air quality in the United States and finally achieve compliance with EPA's National Ambient Air Quality Standards, where for decades it has failed to address serious, severe, and extreme non-compliance status in several areas within the state.

Details can be found at [NHTSA's website](#) and [EPA's website](#).

Message

From: Schwab, Justin [Schwab.Justin@epa.gov]
Sent: 9/16/2019 3:51:35 PM
To: Woods, Clint [woods.clint@epa.gov]; Harlow, David [harlow.david@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Okoye, Winifred [Okoye.Winifred@epa.gov]
CC: Dominguez, Alexander [dominguez.alexander@epa.gov]
Subject: SAFE item RE: "Science" article on climate effects

(minus Matt Leopold, plus ARLO team)

All, see below, this speaks to the bubble at **133** in the working draft I just circulated.

Ex. 5 Deliberative Process (DP)

From: Woods, Clint <woods.clint@epa.gov>
Sent: Monday, September 16, 2019 11:35 AM
To: Harlow, David <harlow.david@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Schwab, Justin <Schwab.Justin@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: "Science" article on climate effects

10 commenters cited this Science article (see bottom of this email), primarily NGOs opposed to proposal;

Other relevant comments:

FCA, pg. 89 (<https://www.regulations.gov/document?D=EPA-HQ-OAR-2018-0283-4406>): "FCA agrees with the EPA's conclusion that any effects of GHG emissions are felt globally and are not unique to California. In certain circumstances, local air problems appropriately justify state-specific standards. For example, FCA complies with standards to address local air quality issues by selling vehicles that meet California's stringent LEV III tailpipe emission standards to control smog. However, that is not the case here. Therefore, it would be reasonable for EPA to conclude that California does not face any extraordinary conditions that would set it apart from the rest of the country and warrant different GHG emissions standards."

GWU Regulatory Studies Center, pg. 19 (<https://www.regulations.gov/document?D=EPA-HQ-OAR-2018-0283-4028>): "Even if California eliminated all its vehicle emissions, it would reduce global emissions by less than half of one percent. So, if, for example, continued GHG emissions were to result in an increase in global mean temperatures of 3°C by 2100, the elimination of all vehicle emissions from California would reduce this increase by only 0.01°C. It is simply not plausible that such an effect—which is likely far greater than the effect of California's tailpipe GHG emission restrictions—would address any "compelling and extraordinary conditions" pertaining to California."

CEI, pg. 23-24 (https://cei.org/sites/default/files/CEI%20CAFE%20Comments%20Final_0.pdf): "GHG concentrations are essentially uniform throughout the globe, and are not affected by California's geography and meteorology. California's vehicles emit GHGs, but so do mobile and stationary sources throughout the world. The resulting "global pool" of GHG emissions is not any more concentrated in California than anywhere else.⁷⁸

Even if one assumes “compelling and extraordinary” refer not to the fossil-fuel greenhouse effect itself but its potential impacts, such as heat waves, drought, and coastal flooding, California’s vulnerability is not “sufficiently different” from the rest of the nation to merit waiving federal preemption of state emission standards.⁷⁹ Thus, neither the “causes” nor the “effects” of the fossil-fuel greenhouse effect are “specific” to California.⁸⁰ Or, as we at CEI are wont to say, “They call it global warming, not California warming.”

Furthermore, unlike California emission standards for conventional air pollutants, California’s GHG standards would not ameliorate any environmental problem in the state. Compared to the GHG standards EPA proposes in the SAFE Rule, California’s standards would decrease carbon dioxide concentrations by 0.65 parts per million and global average surface temperature by 0.003°C in 2100.⁸¹ Three one-thousands of a degree Celsius is 27 times smaller than the 0.08°C margin of error for measuring annual changes in global average temperature.⁸² The impact of the California standards on global warming would be undetectable under current scientific methods.

More importantly, an unverifiable decrease of 0.003°C in global average temperature 82 years from now would have no discernible impacts on weather patterns, coastal flooding, polar bear populations, or any other environmental condition people actually care about. The climate benefits in the policy-relevant future—the next 10-30 years—would be even more miniscule.

Whatever one’s views on climate change, California does not “need” separate motor vehicle standards useful only for virtue-signaling and bureaucratic empire building. As the SAFE Rule more delicately puts it, “a problem does not cause you to ‘need’ something that would not meaningfully address the problem.”⁸³

AFPM (<https://www.regulations.gov/document?D=EPA-HQ-OAR-2018-0283-5698>):

Pg. 34: “For purposes of a preemption waiver determination, EPA has found “that ‘compelling and extraordinary conditions’ does not refer to levels of pollution directly, but primarily to the factors that tend to produce them: geographical and climatic conditions that, when combined with large numbers and high concentrations of automobiles, create serious air pollution problems.”¹³⁷ The “question” for any preemption waiver decision is “whether these fundamental conditions continue to exist.”¹³⁸

Pg. 36: “No impact of a changing climate would be unique to California in any way. It is well established that many states claim that they are, or will be, facing the same impacts from global GHG emissions as California.¹⁴⁷ In granting the ZEV mandate waiver, EPA did not identify any record evidence that California would experience harms from global GHG emissions that would be different from any other coastal state.¹⁴⁸

Comment submitted by Vera Pardee, Center for
Biological Diversity et al.



- Attachment Contents : ...Lancet Planet Health e360 (2017); Solomon Hsiang et al., Estimating Economic Damage from Climate Change in the United States, 356 Science 1362 (2017); Raquel A...
- Public Submission
- Posted:

10/30/2018

- ID:

EPA-HQ-OAR-2018-0283-4134

- Agency:

EPA

- RIN:

2060-AU09

- Docket ID:

EPA-HQ-OAR-2018-0283

- Organization:

- Submitter Name:

Comment submitted by Vera Pardee, Center for
Biological Diversity et al.



- Attachment Contents : ...docs/20180827-StatewideSummary.pdf; Science, Solomon Hsiang, et. al., Estimating Economic Damage from Climate Change in the United States (June 30, 2017), <http://science.sciencemag...>
- Public Submission
- Posted:

11/01/2018

- ID:

EPA-HQ-OAR-2018-0283-5070

- Agency:

EPA

- RIN:

2060-AU09

- Docket ID:

EPA-HQ-OAR-2018-0283

- Organization:
- Submitter Name:

Comment submitted by Erin Murphy, Environmental
Defense Fund



- Attachment Contents : ...1073/pnas.1504124112.
39 Hsiang, S. et al., 2017: Estimating economic
damage from climate change in the United
States. Science, 356(6345), 40 1362 LP...
- Public Submission
- Posted:

11/01/2018

- ID:

EPA-HQ-OAR-2018-0283-5048

- Agency:

EPA

- RIN:

2060-AU09

- Docket ID:

- Organization:
- Submitter Name:

Comment submitted by Shelby Krantz, Environmental
Defense Fund (EDF)



- Attachment Contents : ...Rising, J., Delgado, M., Mohan, S., ... Houser, T. (2017). Estimating economic damage from climate change in the United States. Science, 356(6345), 1362–1369. https...
- Public Submission
- Posted:

11/01/2018

- ID:

EPA-HQ-OAR-2018-0283-5454

- Agency:

EPA

- RIN:

2060-AU09

- Docket ID:

EPA-HQ-OAR-2018-0283

- Organization:
- Submitter Name:

Comment submitted by Erin Murphy, Environmental
Defense Fund (EDF)



- Attachment Contents : ...in Science in June 2017: Solomon Hsiang et al "Estimating Economic Damage from Climate Change in the United States," Science, vol. 356 (2017). 22 Environmental...

- Public Submission
- Posted:

11/14/2018

- ID:

EPA-HQ-OAR-2018-0283-6585

- Agency:

EPA

- RIN:

2060-AU09

- Docket ID:

EPA-HQ-OAR-2018-0283

- Organization:
- Submitter Name:

Comment submitted by Xavier Becerra, Attorney
General, State of California et al.



- See Attached

- Public Submission

- Posted:

02/22/2019

- ID:

EPA-HQ-OAR-2018-0283-7447

- Agency:

EPA

- RIN:

2060-AU09

- Docket ID:

EPA-HQ-OAR-2018-0283

- Organization:

- Submitter Name:

Comment submitted by Erin Murphy, Environmental
Defense Fund (EDF)



- Attachment Title : Estimating Economic Damage
from Climate Change

- Public Submission

- Posted:

11/14/2018

- ID:

EPA-HQ-OAR-2018-0283-6583

- Agency:

EPA

- RIN:

2060-AU09

- Docket ID:

EPA-HQ-OAR-2018-0283

- Organization:

- Submitter Name:

Comment submitted by Lou Finazzo, Sierra Club on
behalf of Center for Biological Diversity et al.



- Attachment Title : Hsiang 2017, Estimating
Economic Damage from Climate Change in the
US

- Public Submission

- Posted:

11/09/2018

- ID:

EPA-HQ-OAR-2018-0283-6177

- Agency:

EPA

- RIN:

2060-AU09

- Docket ID:

EPA-HQ-OAR-2018-0283

- Organization:
- Submitter Name:

Comment submitted by John Hannon, Class of 2019, et al., Environmental Law Clinic at the University of California, Berkeley



- Attachment Title : Estimating Economic Damage from Climate Change in the United States
- Public Submission
- Posted:

10/05/2018

- ID:

EPA-HQ-OAR-2018-0283-1132

- Agency:

EPA

- RIN:

2060-AU09

- Docket ID:

EPA-HQ-OAR-2018-0283

- Organization:
- Submitter Name:

Comment submitted by Sylwia Bialek, Bethany Davis
Noll, et al., The Institute for Policy Integrity ("Policy
Integrity")



- Attachment Contents : ...Wood, Paul Wilson, Michael Oppenheimer, Kate Larsen & Trevor Houser, Estimating Economic Damage from Climate Change in the United States, 356 Science 1362 (2017). <http://science...>
- Public Submission
- Posted:

11/01/2018

- ID:

EPA-HQ-OAR-2018-0283-5083

From: Harlow, David <harlow.david@epa.gov>
Sent: Monday, September 16, 2019 11:00 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Schwab, Justin <Schwab.Justin@epa.gov>; Woods, Clint <woods.clint@epa.gov>
Subject: "Science" article on climate effects

Matt,

Attached is a copy of that *Science* article we were discussing, along with (below) a link to a *New York Times* article discussing it. Prompted by Justin's concerns over

Ex. 5 Deliberative Process (DP)

<https://www.nytimes.com/interactive/2017/06/29/climate/southern-states-worse-climate-effects.html>

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

RESEARCH | RESEARCH ARTICLE

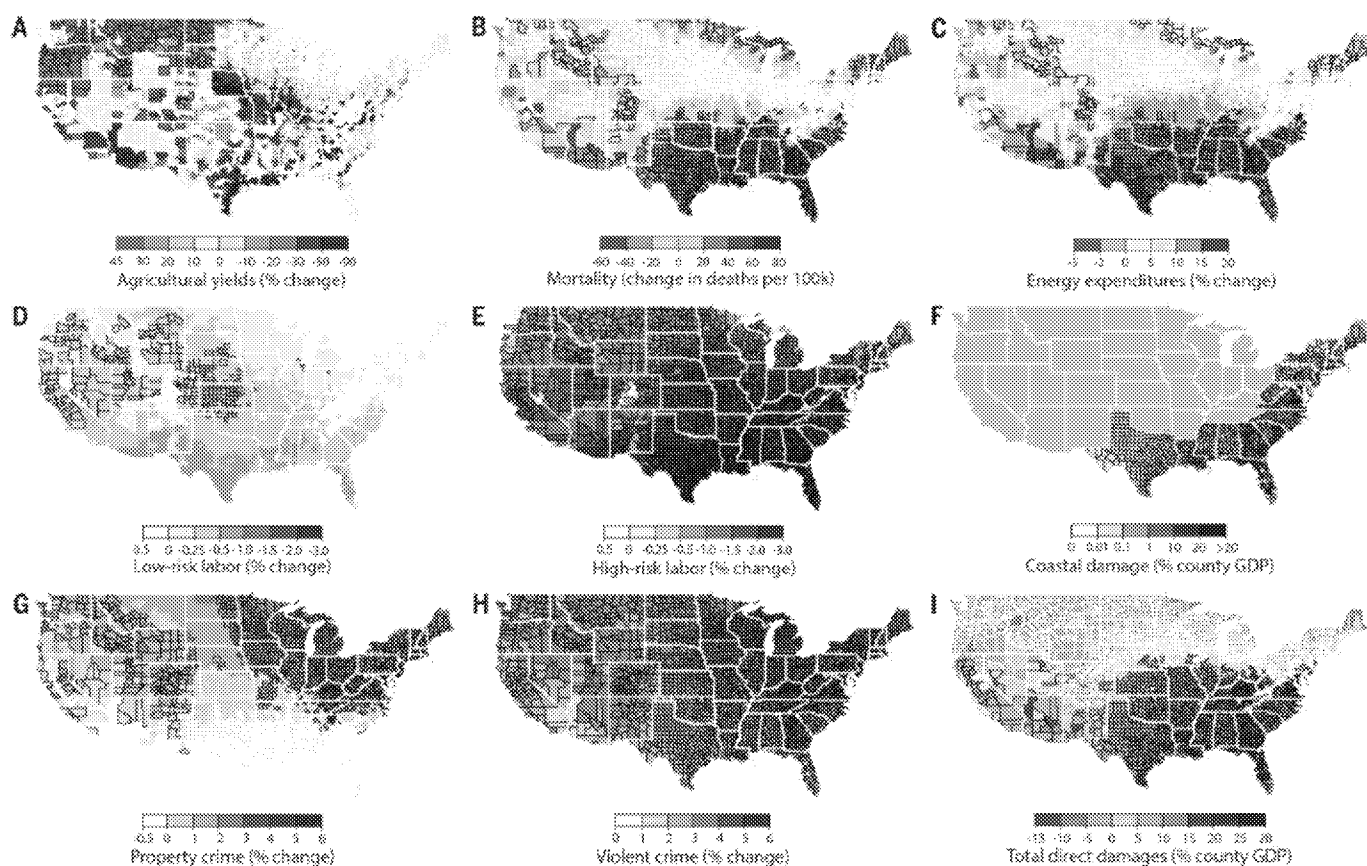


Fig. 2. Spatial distributions of projected damages. County-level median values for average 2080 to 2099 RCP8.5 impacts. Impacts are changes relative to counterfactual “no additional climate change” trajectories. Color indicates magnitude of impact in median projection; outline color indicates level of agreement across projections (thin white outline, inner 66% of projections disagree in sign; no outline, $\geq 83\%$ of projections agree in sign; black outline, $\geq 95\%$ agree in sign; thick white outline, state borders; maps without outlines shown in fig. S2). Negative damages indicate economic gains. (A) Percent change in yields, area-weighted

average for maize, wheat, soybeans, and cotton. (B) Change in all-cause mortality rates, across all age groups. (C) Change in electricity demand. (D) Change in labor supply of full-time-equivalent workers for low-risk jobs where workers are minimally exposed to outdoor temperature. (E) Same as (D), except for high-risk jobs where workers are heavily exposed to outdoor temperatures. (F) Change in damages from coastal storms. (G) Change in property-crime rates. (H) Change in violent-crime rates. (I) Median total direct economic damage across all sectors [(A) to (H)].

David S. Harlow
Senior Counsel
Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

Message

From: Schwab, Justin [Schwab.Justin@epa.gov]
Sent: 9/16/2019 3:45:47 PM
To: Woods, Clint [woods.clint@epa.gov]; Harlow, David [harlow.david@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Dickinson, David [Dickinson.David@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Okoye, Winifred [Okoye.Winifred@epa.gov]
Subject: SAFE step one: draft for this afternoon's discussion at 1:30
Attachments: FOR WORKING GROUP 1145 AM 09162019 INTERNAL, WORKING SAFE STEP ONE SNAPSHOT CLEAN 09142019 PM.docx

Flag: Flag for follow up

Please find attached. This has redline to reflect things that are new since the joint draft that went by email from DOT to OIRA last night.

This is an internal draft for discussion at this point to make sure we nail down the last remaining items/questions.

If people have time before 1:30 to familiarize themselves with the bubbles and the redline, and to prepare suggestions for how to address, that would be good.

One item (See bubbles at 77, 83) which would be good for ARLO and David D. to tackle in tandem:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Schwab, Justin [Schwab.Justin@epa.gov]
Sent: 9/16/2019 3:35:55 PM
To: Woods, Clint [woods.clint@epa.gov]; Harlow, David [harlow.david@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
CC: Dominguez, Alexander [dominguez.alexander@epa.gov]
Subject: RE: "Science" article on climate effects

Excellent, thank you.

CW/DH, let's discuss at this afternoon's joint meeting on SAFE between OAR/ARLO/Dickinson.

From: Woods, Clint <woods.clint@epa.gov>
Sent: Monday, September 16, 2019 11:35 AM
To: Harlow, David <harlow.david@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Schwab, Justin <Schwab.Justin@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
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margin of error for measuring annual changes in global average temperature.⁸² The impact of the California standards on global warming would be undetectable under current scientific methods.

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Pg. 34: "For purposes of a preemption waiver determination, EPA has found "that 'compelling and extraordinary conditions' does not refer to levels of pollution directly, but primarily to the factors that tend to produce them: geographical and climatic conditions that, when combined with large numbers and high concentrations of automobiles, create serious air pollution problems."¹³⁷ The "question" for any preemption waiver decision is "whether these fundamental conditions continue to exist."¹³⁸

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Comment submitted by Vera Pardee, Center for
Biological Diversity et al.



- Attachment Contents : ...Lancet Planet Health e360 (2017); Solomon Hsiang et al., Estimating Economic Damage from Climate Change in the United States, 356 Science 1362 (2017); Raquel A...

- Public Submission
- Posted:

10/30/2018

- ID:

EPA-HQ-OAR-2018-0283-4134

- Agency:

EPA

- RIN:

2060-AU09

- Docket ID:

EPA-HQ-OAR-2018-0283

- Organization:
- Submitter Name:

Comment submitted by Vera Pardee, Center for
Biological Diversity et al.



- Attachment Contents : ...docs/20180827-
StatewideSummary.pdf; Science, Solomon
Hsiang, et. al., Estimating Economic Damage
from Climate Change in the United States (June
30, 2017), <http://science.sciencemag...>
- Public Submission
- Posted:

11/01/2018

- ID:

EPA-HQ-OAR-2018-0283-5070

- Agency:

EPA

- RIN:

2060-AU09

- Docket ID:

EPA-HQ-OAR-2018-0283

- Organization:
- Submitter Name:

Comment submitted by Erin Murphy, Environmental
Defense Fund



- Attachment Contents : ...1073/pnas.1504124112.
39 Hsiang, S. et al., 2017: Estimating economic
damage from climate change in the United
States. Science, 356(6345), 40 1362 LP...
- Public Submission
- Posted:

11/01/2018

- ID:

EPA-HQ-OAR-2018-0283-5048

- Agency:

EPA

- RIN:

2060-AU09

- Docket ID:

EPA-HQ-OAR-2018-0283

- Organization:
- Submitter Name:

Comment submitted by Shelby Krantz, Environmental
Defense Fund (EDF)



- Attachment Contents : ...Rising, J., Delgado, M., Mohan, S., ... Houser, T. (2017). Estimating economic damage from climate change in the United States. Science, 356(6345), 1362–1369. https...
- Public Submission
- Posted:

11/01/2018

- ID:

EPA-HQ-OAR-2018-0283-5454

- Agency:

EPA

- RIN:

2060-AU09

- Docket ID:

EPA-HQ-OAR-2018-0283

- Organization:

- Submitter Name:

Comment submitted by Erin Murphy, Environmental Defense Fund (EDF)



- Attachment Contents : ...in Science in June 2017: Solomon Hsiang et al “Estimating Economic Damage from Climate Change in the

United States,” Science, vol. 356 (2017). 22

Environmental...

- Public Submission
- Posted:

11/14/2018

- ID:

EPA-HQ-OAR-2018-0283-6585

- Agency:

EPA

- RIN:

2060-AU09

- Docket ID:

EPA-HQ-OAR-2018-0283

- Organization:
- Submitter Name:

Comment submitted by Xavier Becerra, Attorney
General, State of California et al.



- See Attached
- Public Submission
- Posted:

02/22/2019

- ID:

EPA-HQ-OAR-2018-0283-7447

- Agency:

EPA

- RIN:

2060-AU09

- Docket ID:

EPA-HQ-OAR-2018-0283

- Organization:

- Submitter Name:

Comment submitted by Erin Murphy, Environmental
Defense Fund (EDF)



- Attachment Title : Estimating Economic Damage
from Climate Change

- Public Submission

- Posted:

11/14/2018

- ID:

EPA-HQ-OAR-2018-0283-6583

- Agency:

EPA

- RIN:

2060-AU09

- Docket ID:

EPA-HQ-OAR-2018-0283

- Organization:
- Submitter Name:

Comment submitted by Lou Finazzo, Sierra Club on
behalf of Center for Biological Diversity et al.



- Attachment Title : Hsiang 2017, Estimating
Economic Damage from Climate Change in the
US
- Public Submission
- Posted:

11/09/2018

- ID:

EPA-HQ-OAR-2018-0283-6177

- Agency:

EPA

- RIN:

2060-AU09

- Docket ID:

EPA-HQ-OAR-2018-0283

- Organization:
- Submitter Name:

Comment submitted by John Hannon, Class of 2019, et
al., Environmental Law Clinic at the University of
California, Berkeley



- Attachment Title : Estimating Economic Damage from Climate Change in the United States

- Public Submission

- Posted:

10/05/2018

- ID:

EPA-HQ-OAR-2018-0283-1132

- Agency:

EPA

- RIN:

2060-AU09

- Docket ID:

EPA-HQ-OAR-2018-0283

- Organization:

- Submitter Name:

Comment submitted by Sylwia Bialek, Bethany Davis Noll, et al., The Institute for Policy Integrity ("Policy Integrity")



- Attachment Contents : ...Wood, Paul Wilson, Michael Oppenheimer, Kate Larsen & Trevor Houser, Estimating Economic Damage from Climate Change in the United States, 356 Science 1362 (2017). <http://science...>

- Public Submission
- Posted:

11/01/2018

- ID:

EPA-HQ-OAR-2018-0283-5083

From: Harlow, David <harlow.david@epa.gov>
Sent: Monday, September 16, 2019 11:00 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Schwab, Justin <Schwab.Justin@epa.gov>; Woods, Clint <woods.clint@epa.gov>
Subject: "Science" article on climate effects

Matt,

Attached is a copy of that *Science* article we were discussing, along with (below) a link to a *New York Times* article discussing it. Prompted by Justin's concerns over

Ex. 5 Deliberative Process (DP)

<https://www.nytimes.com/interactive/2017/06/29/climate/southern-states-worse-climate-effects.html>

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

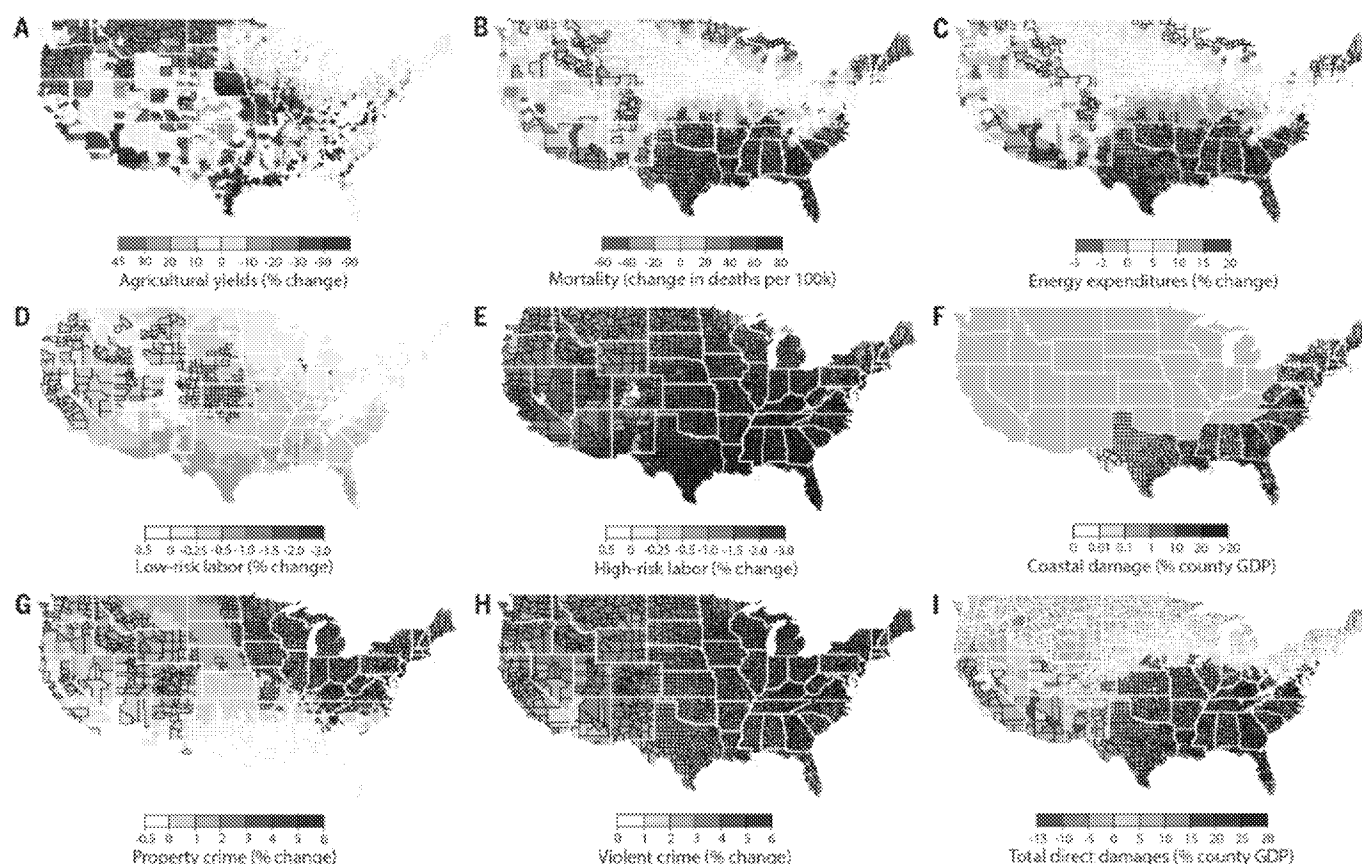


Fig. 2. Spatial distributions of projected damages. County-level median values for average 2080 to 2099 RCP8.5 impacts. Impacts are changes relative to counterfactual “no additional climate change” trajectories. Color indicates magnitude of impact in median projection; outline color indicates level of agreement across projections (thin white outline, inner 66% of projections disagree in sign; no outline, $\geq 83\%$ of projections agree in sign; black outline, $\geq 95\%$ agree in sign; thick white outline, state borders; maps without outlines shown in fig. S2). Negative damages indicate economic gains. (A) Percent change in yields, area-weighted

average for maize, wheat, soybeans, and cotton. (B) Change in all-cause mortality rates, across all age groups. (C) Change in electricity demand. (D) Change in labor supply of full-time-equivalent workers for low-risk jobs where workers are minimally exposed to outdoor temperatures. (E) Same as (D), except for high-risk jobs where workers are heavily exposed to outdoor temperatures. (F) Change in damages from coastal storms. (G) Change in property-crime rates. (H) Change in violent-crime rates. (I) Median total direct economic damage across all sectors [(A) to (H)].

David S. Harlow
Senior Counsel
Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

Message

From: Abboud, Michael [abboud.michael@epa.gov]
Sent: 9/24/2019 2:37:48 PM
To: McFaul, Jessica [mcfaul.jessica@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]
CC: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Block, Molly [block.molly@epa.gov]; Woods, Clint [woods.clint@epa.gov]
Subject: RE: Final Clean SIP Release

Is this final?

From: McFaul, Jessica <mcfaul.jessica@epa.gov>
Sent: Tuesday, September 24, 2019 10:25 AM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Block, Molly <block.molly@epa.gov>; Woods, Clint <woods.clint@epa.gov>
Subject: Final Clean SIP Release
Importance: High

Doug – We will prepare this to send at 11am (note: the last paragraph before the “Background” is where I made the most recent clarifying edits we discussed just now). Thanks! Jess

EPA Takes Action to Ensure California Meets Nation’s Air Quality Standards

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

###

Jessica McFaul
Senior Advisor for Strategic and Regional Communications
Office of the Administrator, Office of Public Affairs
U.S. Environmental Protection Agency
mcfaul.jessica@epa.gov
Desk: 202-564-6429
Cell: Ex. 6 Personal Privacy (PP)

Message

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 9/16/2019 3:20:19 PM
To: Harlow, David [harlow.david@epa.gov]
CC: Schwab, Justin [Schwab.Justin@epa.gov]; Woods, Clint [woods.clint@epa.gov]
Subject: Re: "Science" article on climate effects

Thanks.

Ex. 5 Deliberative Process (DP)

Could you also review our comments on page 117 of the draft.

Sent from my iPad

> On Sep 16, 2019, at 11:00 AM, Harlow, David <harlow.david@epa.gov> wrote:
>
> Matt,
>

Ex. 5 Deliberative Process (DP)

> David S. Harlow
> Senior Counsel
> Immediate Office of the Acting Assistant Administrator
> Office of Air and Radiation, USEPA
> WJC-N Room 5409K
> 1200 Pennsylvania Avenue NW
> Washington, DC 20460
> 202-564-1233
> Harlow.David@epa.gov<mailto:Harlow.David@epa.gov>
>
> <1362.full.pdf>
> <image001.png>

Message

From: Campbell, Ann [Campbell.Ann@epa.gov]
Sent: 8/16/2019 4:36:33 PM
To: Manibusan, Mary [Manibusan.Mary@epa.gov]; Nickerson, William [Nickerson.William@epa.gov]
CC: Dunham, Sarah [Dunham.Sarah@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Woods, Clint [woods.clint@epa.gov]
Subject: RE: Preamble Updates
Attachments: SAFE_FRM Section X.C_EPA Flexibilities_v2 io2.docx; Air Condiitoning and N2O_CH4 Preamble IO.docx

Thanks Mary. The attached documents are approved and ready to be uploaded.

Ann Campbell
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

From: Manibusan, Mary
Sent: Friday, August 16, 2019 12:32 PM
To: Campbell, Ann <Campbell.Ann@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>
Cc: Dunham, Sarah <Dunham.Sarah@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: RE: Preamble Updates

When the documents have been finalized and approved for upload onto ROCIS, OMB can reopen for amendments and we can upload those documents.

Mary

From: Campbell, Ann <Campbell.Ann@epa.gov>
Sent: Friday, August 16, 2019 11:00 AM
To: Nickerson, William <Nickerson.William@epa.gov>; Manibusan, Mary <Manibusan.Mary@epa.gov>
Cc: Dunham, Sarah <Dunham.Sarah@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: FW: Preamble Updates

This will be ready to upload later today. How shall we go about this?

Ann Campbell
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

From: Woods, Clint
Sent: Friday, August 16, 2019 10:28 AM
To: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>; Jim Tamm <james.tamm@dot.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Harlow, David <harlow.david@epa.gov>
Subject: Preamble Updates

DRAFT – DELIBERATIVE – NOT FOR RELEASE

Jonathan and Jim,

Ex. 5 - Deliberative Process

Thanks!

Clint Woods
Deputy Assistant Administrator
Office of Air and Radiation, U.S. EPA
202.564.6562

Message

From: Schwab, Justin [Schwab.Justin@epa.gov]
Sent: 9/16/2019 2:20:55 PM
To: Beach, Christopher [beach.christopher@epa.gov]; Harlow, David [harlow.david@epa.gov]
CC: Woods, Clint [woods.clint@epa.gov]
Subject: RE: Freestyle

Ex. 5 Deliberative Process (DP)

-----Original Message-----

From: Schwab, Justin
Sent: Saturday, September 14, 2019 11:51 AM
To: Beach, Christopher <beach.christopher@epa.gov>; Harlow, David <harlow.david@epa.gov>
Cc: Woods, Clint <woods.clint@epa.gov>
Subject: RE: Freestyle

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

-----Original Message-----

From: Beach, Christopher <beach.christopher@epa.gov>
Sent: Friday, September 13, 2019 7:21 PM
To: Harlow, David <harlow.david@epa.gov>
Cc: Schwab, Justin <Schwab.Justin@epa.gov>; Woods, Clint <woods.clint@epa.gov>
Subject: Re: Freestyle

He did! And while on the bus. Can't imagine what you're capable of behind a desk! Thanks for this and the other docs.

Sent from my iPhone

> On Sep 13, 2019, at 6:54 PM, Harlow, David <harlow.david@epa.gov> wrote:
>
> Justin,
>
> If you typed all of that on your iPhone, well, you know, bravo and stuff.

>
> David S. Harlow
> Senior Counsel
> Immediate Office of the Acting Assistant Administrator Office of Air
> and Radiation, USEPA WJC-N Room 5409K
> 1200 Pennsylvania Avenue NW
> Washington, DC 20460
> 202-564-1233
> Harlow.David@epa.gov
>

> -----Original Message-----

> **From:** Schwab, Justin <Schwab.Justin@epa.gov>
> **Sent:** Friday, September 13, 2019 6:26 PM
> **To:** Beach, Christopher <beach.christopher@epa.gov>
> **Cc:** Harlow, David <harlow.david@epa.gov>; Woods, Clint
> <woods.clint@epa.gov>

> Subject: Freestyle

>

> David and Clint - Chris has asked for material to help him work up TPs/longer form material for AW.
> I've sent him the most recent draft for close hold.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

>

> Sent from my iPhone

Message

From: Block, Molly [block.molly@epa.gov]
Sent: 9/24/2019 12:03:32 PM
To: Woods, Clint [woods.clint@epa.gov]
CC: Abboud, Michael [abboud.michael@epa.gov]
Subject: Re: Tomorrow's logistics

30 mins is really just a guideline for scheduling purposes. You can keep your remarks short and sweet. It's just to have some time for Q&A and we can end it whenever we choose.

Sent from my iPhone

On Sep 24, 2019, at 8:02 AM, Woods, Clint <woods.clint@epa.gov> wrote:

There's a problem when the comms plan is 3x as long as a letter... think we need to shorten the call. I will add language to the script.

On Sep 24, 2019, at 4:58 AM, Block, Molly <block.molly@epa.gov> wrote:

Sorry about that! Jessica and Doug have been running point on this and we're holding another call for the water letter on Thursday. I can forward you the comms plan shortly when I'm in the office.

Sent from my iPhone

On Sep 24, 2019, at 7:55 AM, Woods, Clint <woods.clint@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

On Sep 24, 2019, at 4:52 AM, Block, Molly <block.molly@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Sep 24, 2019, at 7:36 AM, Woods, Clint <woods.clint@epa.gov> wrote:

Anne isn't participating? Just got a couple inquiries suggesting that a bunch of non-reporters are planning to call in

On Sep 23, 2019, at 3:37 PM, Block, Molly <block.molly@epa.gov> wrote:

Hey team –

This should have all the info you need/want for tomorrow's call/press (with responsibilities). Please let me know if you have any questions. I've attached the letter above (we'll need a link to this as well). Thanks team!

Run of Show

10:30 am: Andrea Woods sends around list of press RSVPs
10:45 am: Molly logs on to leaderview and briefs the operator
10:55 am: Andrea Woods sends email call RSVPs (on BCC) with letter (attached)
11:00 am: Web goes live (Nancy)
11:00 am: Press release goes out (Andrea)
11:00 am: Molly opens the press call (script below)
11:02 – 11:06 am: Clint opening remarks on letter (draft language below)
11:06 – 11:25 am: Q&A from press
11:25 am: Molly closing
11:30 am: Hard stop

Call Information

Conference ID:

Ex. 6 Personal Privacy (PP)

****Leader call-in**

number: Ex. 6 Personal Privacy (PP)

Press call-in number:

877-317-0679

****NOTE:** The only people using the leader call-in line will be myself (+ team OPA in my office) and Clint. We need to do this because I initially gave this line

out to press (SORRY!),
so I will instruct the
operator that there will
only be two call-in
numbers and the other
one is Clint's cell phone.
Please let me know if
this is going to be an
issue.

Script

Molly: Thank you all for
joining us this morning
for a background press
briefing. I will soon turn
the call over to EPA's
Office of Air and
Radiation Deputy
Assistant Administrator
Clint Woods. This is a
background briefing, as
such you may attribute
information you learn
on this call to an EPA
senior official. You are
free to report on this
information in real
time. After Mr. Woods'
opening remarks we
will open up the call to
questions from the
press. Thanks again for
joining us and I will now
turn the call over to
Deputy Assistant
Administrator Woods.

Clint: Thank you all for

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Molly: Thanks Clint.
Now our operator
NAME will instruct
interested members of
the press how to ask a
question. When your
line is open, please
state your name and
affiliation. Thanks.

Operator: If you're
interested in asking a
question please press
star 1 at this time...

Q&A

Molly: That's all the
time we have for
today's call. As I said
earlier the information
on this call is for
background purposes
and you are free to
report on this now.
Thanks for joining us
this morning. If you
have any follow up
questions/questions
that weren't answered,
please email
press@epa.gov and we
will get back to you.

Have a wonderful day.
Goodbye.

Molly Block
Senior Advisor
U.S. Environmental
Protection Agency

<California NAAQS
SIP.pdf>

Message

From: Schwab, Justin [Schwab.Justin@epa.gov]
Sent: 9/18/2019 7:29:52 PM
To: Woods, Clint [woods.clint@epa.gov]
Subject: my suggested edit of letter
Attachments: SIP LETTER EDIT 09182019.docx

Message

From: Beach, Christopher [beach.christopher@epa.gov]
Sent: 9/16/2019 2:10:14 AM
To: Woods, Clint [woods.clint@epa.gov]
CC: Schwab, Justin [Schwab.Justin@epa.gov]; Harlow, David [harlow.david@epa.gov]
Subject: Re: Freestyle

Nice. Thank you. Should be good with this.

Sent from my iPhone

> On Sep 15, 2019, at 9:58 PM, Woods, Clint <woods.clint@epa.gov> wrote:
>
> Just sent over draft letter with latest CA figures. Have more if you need it
>
>> On Sep 15, 2019, at 9:37 PM, Beach, Christopher <beach.christopher@epa.gov> wrote:
>>
>> This is great; I'll definitely use this.
>>

Ex. 5 Deliberative Process (DP)

>>
>> -----Original Message-----
>> From: Schwab, Justin <Schwab.Justin@epa.gov>
>> Sent: Saturday, September 14, 2019 11:51 AM
>> To: Beach, Christopher <beach.christopher@epa.gov>; Harlow, David <harlow.david@epa.gov>
>> Cc: Woods, Clint <woods.clint@epa.gov>
>> Subject: RE: Freestyle
>>

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

>>
>> -----Original Message-----
>> From: Beach, Christopher <beach.christopher@epa.gov>
>> Sent: Friday, September 13, 2019 7:21 PM
>> To: Harlow, David <harlow.david@epa.gov>
>> Cc: Schwab, Justin <Schwab.Justin@epa.gov>; Woods, Clint <woods.clint@epa.gov>
>> Subject: Re: Freestyle
>>
>> He did! And while on the bus. Can't imagine what you're capable of behind a desk! Thanks for this and the other docs.
>>
>> Sent from my iPhone
>>
>>> On Sep 13, 2019, at 6:54 PM, Harlow, David <harlow.david@epa.gov> wrote:
>>>
>>> Justin,
>>>
>>> If you typed all of that on your iPhone, well, you know, bravo and stuff.
>>>
>>> David S. Harlow
>>> Senior Counsel
>>> Immediate Office of the Acting Assistant Administrator Office of Air
>>> and Radiation, USEPA WJC-N Room 5409K
>>> 1200 Pennsylvania Avenue NW
>>> Washington, DC 20460

>>> 202-564-1233
>>> Harlow.David@epa.gov
>>>
>>> -----Original Message-----
>>> From: Schwab, Justin <Schwab.Justin@epa.gov>
>>> Sent: Friday, September 13, 2019 6:26 PM
>>> To: Beach, Christopher <beach.christopher@epa.gov>
>>> Cc: Harlow, David <harlow.david@epa.gov>; Woods, Clint
>>> <woods.clint@epa.gov>
>>> Subject: Freestyle
>>>
>>> David and Clint - Chris has asked for material to help him work up TPs/longer form material for AW. I've sent him the most recent draft for close hold. or correct, feel free.
>>>

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Harlow, David [harlow.david@epa.gov]
Sent: 9/15/2019 11:39:13 PM
To: Schwab, Justin [Schwab.Justin@epa.gov]; Woods, Clint [woods.clint@epa.gov]
Subject: RE: i think we can stand down on 0.02
Attachments: dsh RLSO TWEAKS REDLINE 09152019 1 PM SAFE STEP ONE SNAPSHOT CLEAN 09142019 PM.docx

Justin,

Okay, so attached is a RLSO, with my suggested edits imposed on top of the pre-existing “tweaks” RLSO. Not wanting to “accept all changes,” so that the work-in-progress nature of this document would not thereby be lost, I have (as I previously noted) highlighted my edits in yellow. That way, you can just scroll through the document and look for the highlighting.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

From: Schwab, Justin <Schwab.Justin@epa.gov>
Sent: Sunday, September 15, 2019 5:27 PM
To: Harlow, David <harlow.david@epa.gov>; Woods, Clint <woods.clint@epa.gov>
Subject: RE: i think we can stand down on 0.02

Ex. 5 Deliberative Process (DP)

From: Harlow, David <harlow.david@epa.gov>
Sent: Sunday, September 15, 2019 5:24 PM
To: Schwab, Justin <Schwab.Justin@epa.gov>; Woods, Clint <woods.clint@epa.gov>
Subject: RE: i think we can stand down on 0.02

Justin,

Nothing substantive is intended, at least in my eyes. Word choices, exposition, sake-of-clarity stuff only. Hopefully useful, but, if not, at least another sets of eyes have been applied, looking out for stuff that's missing, etc.

Ex. 5 Deliberative Process (DP)

David S. Harlow
Senior Counsel
Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

From: Schwab, Justin <Schwab.Justin@epa.gov>
Sent: Sunday, September 15, 2019 5:19 PM
To: Harlow, David <harlow.david@epa.gov>; Woods, Clint <woods.clint@epa.gov>
Subject: RE: i think we can stand down on 0.02

OK. Substantive changes to legal may need to be vetted through Matt now that I have his review. Train is leaving the station – will try to give a 30-minute “last call” later tonight.

(This is all for the OIRA version; if we can pull off one more turn after it goes over tonight that’s awesome, but the intra-EPA, intra-executive, and logistical/shot-clock slope goes way steep at that point.)

From: Harlow, David <harlow.david@epa.gov>
Sent: Sunday, September 15, 2019 5:14 PM
To: Schwab, Justin <Schwab.Justin@epa.gov>; Woods, Clint <woods.clint@epa.gov>
Subject: RE: i think we can stand down on 0.02

Justin,

Good. That’ll save me the trouble of figuring out what it meant. 😊

Meanwhile, I’ve been going through the “tweaks” draft this afternoon. I’m in the process of producing an RLSO of that existing RLSO (in which, for clarity’s sake, and for ease of identification, I am highlighting in yellow my suggested strikeouts and insertions) in the coming hour(s) for your consideration.

David S. Harlow
Senior Counsel
Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

From: Schwab, Justin <Schwab.Justin@epa.gov>
Sent: Sunday, September 15, 2019 5:06 PM
To: Harlow, David <harlow.david@epa.gov>; Woods, Clint <woods.clint@epa.gov>
Subject: i think we can stand down on 0.02

Message

From: Woods, Clint [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BC65010F5C2E48F4BC2AA050DB50D198-WOODS, CLIN]
Sent: 9/16/2019 6:43:32 PM
To: Dominguez, Alexander [dominguez.alexander@epa.gov]
Subject: Fwd: Draft-Deliberative: REMARKS FOR REVIEW
Attachments: NADA 9-16-19.docx; ATT00001.htm

Begin forwarded message:

From: "Beach, Christopher" <beach.christopher@epa.gov>
Date: September 16, 2019 at 12:44:45 PM EDT
To: "Idsal, Anne" <idsal.anne@epa.gov>, "Schwab, Justin" <Schwab.Justin@epa.gov>, "Woods, Clint" <woods.clint@epa.gov>, "Harlow, David" <harlow.david@epa.gov>
Cc: "Jackson, Ryan" <jackson.ryan@epa.gov>, "Schiermeyer, Corry" <schiermeyer.corry@epa.gov>, "Abboud, Michael" <abboud.michael@epa.gov>
Subject: Draft-Deliberative: REMARKS FOR REVIEW

Ex. 5 Deliberative Process (DP)

Most of the material in here is from the materials you all helped us put together for the SAFE proposal. The question I had in a few places is if that material is still timely/relevant/accurate. AW has requested to see this by COB today, would you all be able to do a quick review before then? Thanks very much.

Best,
Chris

Message

From: Woods, Clint [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BC65010F5C2E48F4BC2AA050DB50D198-WOODS, CLIN]
Sent: 9/24/2019 1:56:10 PM
To: Abboud, Michael [abboud.michael@epa.gov]
Subject: RE: Tomorrow's logistics

Can you send me NH R1 release?

From: Abboud, Michael <abboud.michael@epa.gov>
Sent: Tuesday, September 24, 2019 9:52 AM
To: Block, Molly <block.molly@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Cc: Benevento, Douglas <benevento.douglas@epa.gov>
Subject: RE: Tomorrow's logistics

One edit in yellow.

From: Block, Molly <block.molly@epa.gov>
Sent: Tuesday, September 24, 2019 9:45 AM
To: Woods, Clint <woods.clint@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Cc: Benevento, Douglas <benevento.douglas@epa.gov>
Subject: RE: Tomorrow's logistics

Here are some additions (should address AAW's recs):

Ex. 5 Deliberative Process (DP)

From: Woods, Clint
Sent: Tuesday, September 24, 2019 8:39 AM
To: Block, Molly <block.molly@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>

Cc: Benevento, Douglas <benevento.douglas@epa.gov>

Subject: RE: Tomorrow's logistics

A couple additions in **green below**

From: Block, Molly <block.molly@epa.gov>

Sent: Monday, September 23, 2019 6:38 PM

To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>

Cc: Benevento, Douglas <benevento.douglas@epa.gov>

Subject: Tomorrow's logistics

Hey team –

This should have all the info you need/want for tomorrow's call/press (with responsibilities). Please let me know if you have any questions. I've attached the letter above (we'll need a link to this as well). Thanks team!

Run of Show

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11:00 am: Web goes live (Nancy)
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11:06 – 11:25 am: Q&A from press
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Call Information

Conference ID: Ex. 6 Personal Privacy (PP)

****Leader call-in number:** Ex. 6 Personal Privacy (PP)

Press call-in number: 877-317-0679

****NOTE:** The only people using the leader call-in line will be myself (+ team OPA in my office) and Clint. We need to do this because I initially gave this line out to press (SORRY!), so I will instruct the operator that there will only be two call-in numbers and the other one is Clint's cell phone. Please let me know if this is going to be an issue.

Script

Molly: Thank you all for joining us this morning for a background press briefing. I will soon turn the call over to EPA's Office of Air and Radiation Deputy Assistant Administrator Clint Woods. This is a background briefing, as such you may attribute information you learn on this call to an EPA senior official. You are free to report on this information in real time. After Mr. Woods' opening remarks we will open up the call to questions from the press. Thanks again for joining us and I will now turn the call over to Deputy Assistant Administrator Woods.

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Molly: Thanks Clint. Now our operator NAME will instruct interested members of the press how to ask a question. When your line is open, please state your name and affiliation. Thanks.

Operator: If you're interested in asking a question please press star 1 at this time...

Q&A

Molly: That's all the time we have for today's call. As I said earlier the information on this call is for background purposes and you are free to report on this now. Thanks for joining us this morning. If you have any follow up questions/questions that weren't answered, please email press@epa.gov and we will get back to you. Have a wonderful day. Goodbye.

Molly Block
Senior Advisor
U.S. Environmental Protection Agency

Message

From: Woods, Clint [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BC65010F5C2E48F4BC2AA050DB50D198-WOODS, CLIN]
Sent: 9/19/2019 3:31:12 PM
To: Campbell, Ann [Campbell.Ann@epa.gov]; Millett, John [Millett.John@epa.gov]; Birgfeld, Erin [Birgfeld.Erin@epa.gov]
CC: Dominguez, Alexander [dominguez.alexander@epa.gov]
Subject: Fwd: please find attached the pre-pub version of SAFE Part One to be posted online
Attachments: SAFE Vehicles Rule Part One WEB VERSION.pdf; ATT00001.htm

Should be identical to last email

Begin forwarded message:

From: "Nickerson, William" <Nickerson.William@epa.gov>
Date: September 19, 2019 at 11:29:18 AM EDT
To: "Dominguez, Alexander" <dominguez.alexander@epa.gov>, "Lovell, Will (William)" <lovell.william@epa.gov>, "Woods, Clint" <woods.clint@epa.gov>
Cc: "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "Hackel, Angela" <Hackel.Angela@epa.gov>, "Srinivasan, Gautam" <Srinivasan.Gautam@epa.gov>
Subject: please find attached the pre-pub version of SAFE Part One to be posted online

This includes the minor corrections discussed below. DOT is also planning to post this version at noon today. Thanks.

From: Dominguez, Alexander <dominguez.alexander@epa.gov>
Sent: Thursday, September 19, 2019 11:16 AM
To: Lovell, Will (William) <lovell.william@epa.gov>; Woods, Clint <woods.clint@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>
Subject: RE: Signed Rule

I am not aware of anything but adding Clint.

From: Lovell, Will (William) <lovell.william@epa.gov>
Sent: Thursday, September 19, 2019 11:15 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Signed Rule

Alex, are y'all plugged into minor modifications that DOT plans to make?

From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Thursday, September 19, 2019 11:00 AM
To: Hackel, Angela <Hackel.Angela@epa.gov>; Lovell, Will (William) <lovell.william@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>

Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>

Subject: RE: Signed Rule

Thanks .. I understood 12 noon for posting

From: Hackel, Angela <Hackel.Angela@epa.gov>

Sent: Thursday, September 19, 2019 10:59 AM

To: Lovell, Will (William) <lovell.william@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>;

Grantham, Nancy <Grantham.Nancy@epa.gov>

Subject: RE: Signed Rule

Hi Will,

I am CCing Nancy on timing (I think they are planning on a noon deadline). Please keep us posted on the package, as OAR is planning on posting the package that I sent around.

Thanks,

Angela

From: Lovell, Will (William) <lovell.william@epa.gov>

Sent: Thursday, September 19, 2019 10:56 AM

To: Hackel, Angela <Hackel.Angela@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>

Subject: RE: Signed Rule

Angela, any update on posting the pre-pub version? We understand DOT is posting at noon and is considering making a few minor corrections before then.

From: Dominguez, Alexander <dominguez.alexander@epa.gov>

Sent: Thursday, September 19, 2019 7:45 AM

To: Hackel, Angela <Hackel.Angela@epa.gov>

Cc: Lovell, Will (William) <lovell.william@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Woods, Clint <woods.clint@epa.gov>

Subject: Re: Signed Rule

Great- Thank you all very much

Sent from my iPhone

On Sep 19, 2019, at 7:40 AM, Hackel, Angela <Hackel.Angela@epa.gov> wrote:

Hi Will,

I will be sending the signed package around internally after the event. I will be getting it to OAR comms for posting. I will let them know about the noon timeframe.

Thanks!

Angela

From: Lovell, Will (William) <lovell.william@epa.gov>

Sent: Thursday, September 19, 2019 7:26 AM

To: Dominguez, Alexander <dominguez.alexander@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>

Cc: Woods, Clint <woods.clint@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>

Subject: RE: Signed Rule

Hey, Alex, looping in Angela Hackel who is helping with getting the package signed (at 7:30) and scanned. Angela, does that plan for pre-pub align with what you/Nancy understand?

From: Dominguez, Alexander <dominguez.alexander@epa.gov>

Sent: Thursday, September 19, 2019 7:23 AM

To: Bolen, Brittany <bolen.brittany@epa.gov>; Lovell, Will (William) <lovell.william@epa.gov>

Cc: Woods, Clint <woods.clint@epa.gov>

Subject: Signed Rule

Brittany and Will -

Good morning! I just wanted to check and confirm you all are set with uploading the signed pre-publication version of the final rule and that it will be go online at around noon.

Thanks

Sent from my iPhone

Message

From: Woods, Clint [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BC65010F5C2E48F4BC2AA050DB50D198-WOODS, CLIN]
Sent: 9/5/2019 9:15:12 PM
To: Schwab, Justin [schwab.justin@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]
Subject: RE: For the Administrator's Book Tomorrow

Draft deliberative internal not for release:

Ex. 5 Deliberative Process (DP)

From: Schwab, Justin <Schwab.Justin@epa.gov>
Sent: Thursday, September 5, 2019 4:02 PM
To: Woods, Clint <woods.clint@epa.gov>
Subject: Fwd: For the Administrator's Book Tomorrow

Sent from my iPhone

Begin forwarded message:

From: "Fotouhi, David" <Fotouhi.David@epa.gov>
Date: September 5, 2019 at 9:50:38 AM EDT
To: "Schwab, Justin" <Schwab.Justin@epa.gov>
Subject: Fwd: For the Administrator's Book Tomorrow

Sent from my iPhone

Begin forwarded message:

From: "Benevento, Douglas" <benevento.douglas@epa.gov>
Date: September 4, 2019 at 6:33:34 PM EDT
To: "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>, "Woods, Clint" <woods.clint@epa.gov>
Subject: FW: For the Administrator's Book Tomorrow

Here are the talking points. I sent them on already so they could make the book but if you see any show stopper problems please let me know.

From: Benevento, Douglas
Sent: Wednesday, September 4, 2019 4:00 PM
To: Scott, Corey <scott.corey@epa.gov>
Cc: Cheatham-Strickland, Latonia <Cheatham-Strickland.Latonia@epa.gov>
Subject: For the Administrator's Book Tomorrow